STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN, Plaintiff-Appellee,	UNPUBLISHED February 19, 2002
v	No. 227300 Otsego Circuit Court
SHANE WILLIAM SATTLER, Defendant-Appellant.	LC No. 99-002443-FH

Before: Smolenski, P.J., and Doctoroff and Owens, JJ.

PER CURIAM.

Defendant appeals as of right his conviction of larceny in a building, MCL 750.360, entered after a jury trial. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant was charged with the theft of a vacuum cleaner, a nail salon, and a staple gun and staples from a building located on the premises of Auctionway, Inc. Defendant contends that the evidence was insufficient to support his conviction because it did not establish that he intended to permanently deprive the owner of the property. See *People v Wilbert*, 105 Mich App 631, 639; 307 NW2d 388 (1981). Indeed, one of the elements of larceny is that, at the time the property was taken, the defendant intended to permanently deprive the owner of it. *People v Sykes*, 229 Mich App 254, 278; 582 NW2d 197 (1998). Generally, larceny is a specific intent crime. *People v Ainsworth*, 197 Mich App 321, 324; 495 NW2d 177 (1992). Intent can be inferred from the facts and circumstances surrounding the offense. *People v Beaudin*, 417 Mich 570, 575; 339 NW2d 461 (1983).

A challenge to the sufficiency of the evidence requires us to determine "whether the evidence, viewed in a light most favorable to the people, would warrant a reasonable juror in finding guilt beyond a reasonable doubt." *People v Nowack*, 462 Mich 392, 399-400; 614 NW2d 78 (2000). It is well established that, where there is conflicting evidence, the issue of credibility should be left for the trier of fact. *People v Gadomski*, 232 Mich App 24, 28; 592 NW2d 75 (1998). A trier of fact may make reasonable inferences from evidence in the record, but may not make inferences completely unsupported by any direct or circumstantial evidence. *People v Vaughn*, 186 Mich App 376, 379-380; 465 NW2d 365 (1990).

Here, the evidence established that defendant took the vacuum, the nail salon, and the staple gun and staples from the auction building and moved it to another building on

Auctionway's premises. Defendant did not return the items after Kendall Freund, Auctionway's owner, announced that if the items were returned no further action would be taken. Instead, the items were returned to Freund the next day, and only after Freund indicated to defendant over the telephone that he would speak to the sheriff. Thus, there was evidence indicating that, at the time defendant moved the items, he intended to deprive the owner of the property on a permanent basis. *Beaudin*, *supra*.

To be sure, defendant testified that he only moved the items to the other building to test them. In addition, defendant denied that Freund was talking to him when Freund allegedly told a telephone caller that the sheriff would be called. However, the jury was entitled to reject defendant's testimony as not credible. *Gadomski*, *supra*. Regardless, the evidence, viewed in a light most favorable to the prosecution, was sufficient to support defendant's conviction of larceny in a building. *Nowack, supra.*

Affirmed.

/s/ Michael R. Smolenski
/s/ Martin D. Doctoroff
/s/ Donald S. Owens