

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

KENNETH ROBBINS,

Defendant-Appellant.

UNPUBLISHED

April 23, 2002

No. 230135

Wayne Circuit Court

LC No. 99-002882

Before: White, P.J., and Murphy and Fitzgerald, JJ.

PER CURIAM.

Defendant's probation was revoked pursuant to MCL 771.4 and MCR 6.445, and the trial court imposed a sentence of one to fifteen years' imprisonment for defendant's underlying conviction for unarmed robbery, MCL 750.530. Defendant appeals as of right. We affirm.

The trial court found that defendant violated his probation when he was convicted in Wayne Circuit Court case no. 00-003237 of assault with intent to do great bodily harm less than murder and felony-firearm.¹ Defendant's sole argument on appeal in the present case is premised on a finding that the evidence was insufficient to support the convictions in case no. 00-003237. However, we have concluded in our Docket No. 230140 that the evidence was sufficient to permit a rational trier of fact to find that defendant was guilty beyond a reasonable doubt of assault with intent to do great bodily harm less than murder and felony-firearm, and that the trial court did not err in denying defendant's motion for a directed verdict with regard to those convictions. *People v Robbins*, unpublished opinion per curiam of the Court of Appeals, issued _____ (Docket No. 230140).² In the instant case, when reviewing a claim of insufficient evidence of a probation violation, we view the evidence in a light most favorable to the prosecution and determine whether a rational trier of fact could conclude that the *preponderance* of the evidence indicated that the defendant violated his probation. *People v Reynolds*, 195 Mich App 182, 184; 489 NW2d 128 (1992). Because we find that there was sufficient evidence to support defendant's convictions under the higher "reasonable doubt"

¹ The convictions are the subject of the appeal in Docket No. 230140 that was submitted with the present appeal.

² The opinion is being issued simultaneously with the present opinion.

standard, we conclude that there is also sufficient evidence to support a finding that defendant violated his probation by committing these offenses under the lower “preponderance” standard.

Affirmed.

/s/ Helene N. White
/s/ William B. Murphy
/s/ E. Thomas Fitzgerald