

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

KEVIN L. HARDWICK,

Defendant-Appellant.

UNPUBLISHED

May 24, 2002

No. 229699

Wayne Circuit Court

LC No. 00-002744-01

Before: Markey, P.J., and Talbot and Zahra, JJ.

PER CURIAM.

Defendant appeals by right his bench trial conviction of use of a motor vehicle without authority, MCL 750.414. Defendant was sentenced to two years' probation, 150 days in jail with 162 days of credit, and sixty days in jail to be served at the end of probation if defendant fails to successfully complete probation. We affirm.

Defendant argues that the trial court erred in denying his motion for directed verdict on the charge of receiving and concealing stolen property. We disagree. In reviewing a motion for directed verdict, we review the record de novo and consider the evidence in the light most favorable to the prosecutor to determine whether a rational trier of fact could find that the essential elements of the crime charged were proven beyond a reasonable doubt. *People v Mayhew*, 236 Mich App 112, 124; 600 NW2d 370 (1999). "Circumstantial evidence and reasonable inferences arising from that evidence can constitute satisfactory proof of the elements of a crime." *People v Carines*, 460 Mich 750, 757; 597 NW2d 130 (1999), quoting *People v Allen*, 201 Mich App 98, 100; 505 NW2d 869 (1993).

MCL 750.535, the statute pertaining to the receiving and concealing offense, provides in part:

A person shall not buy, receive, possess, conceal, or aid in the concealment of stolen, embezzled, or converted money, goods, or property knowing the money, goods, or property is stolen, embezzled, or converted. [MCL 750.535(1).]

The elements of receiving or concealing stolen property are (1) the property was stolen or converted; (2) the value of the property; (3) the defendant bought, received, possessed, or concealed the property knowing it was stolen or converted; and (4) the property was identified as being previously stolen. MCL 750.535(1) and (3)(a); *People v Quinn*, 219 Mich App 571, 574;

557 NW2d 151 (1996). Conversion is the unauthorized assumption and exercise of ownership rights over goods or personal property belonging to another. *Quinn, supra* at 575, quoting Black's Law Dictionary (6th ed), p 332.

We conclude that the trial court properly denied defendant's motion for directed verdict. Viewing the evidence in a light most favorable to the prosecutor, the evidence and all reasonable inferences drawn therefrom were sufficient to support the conclusion that defendant's actions in retaining control of the vehicle amounted to conversion.

Defendant argues that there was insufficient evidence to support his conviction. We disagree. "[W]hen determining whether sufficient evidence has been presented to sustain a conviction, a court must view the evidence in a light most favorable to the prosecution and determine whether any rational trier of fact could have found that the essential elements of the crime were proven beyond a reasonable doubt." *People v Wolfe*, 440 Mich 508, 515; 489 NW2d 748 (1992), amended 441 Mich 1201 (1992).

The elements of the offense of use of a motor vehicle without authority are "(1) the motor vehicle did not belong to the defendant, (2) having obtained lawful possession of the vehicle from the owner, the defendant used it beyond the authority which was given to him, and (3) the defendant must have intended to use the vehicle beyond the authority granted to him, knowing that he did not have the authority to do so." *People v Hayward*, 127 Mich App 50, 60-61; 338 NW2d 549 (1983); see, also, *People v Crosby*, 82 Mich App 1, 2-3; 266 NW2d 465 (1978).

We conclude that when viewing the evidence in the light most favorable to the prosecutor, sufficient evidence was presented such that a reasonable factfinder could find that all the necessary elements of the crime were established beyond a reasonable doubt. Here, the evidence and all reasonable inferences therefrom indicate that defendant was driving a vehicle that did not belong to him, that he used his mother's vehicle beyond the authority that was given to him, and that defendant intended to use the vehicle beyond the authority granted to him. Although defendant indicated to his mother that he was "coming right home" with the vehicle, two days passed and the vehicle was returned only after defendant's mother reported that the car was stolen and the police arrested defendant while he was still in possession of the vehicle.

We affirm.

/s/ Jane E. Markey
/s/ Michael J. Talbot
/s/ Brian K. Zahra