

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

V

DONALD WASHINGTON,

Defendant-Appellant.

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UNPUBLISHED

October 8, 2002

No. 233197

Wayne Circuit Court

LC No. 00-009783

Before: Meter. P.J., and Saad and R.B. Burns\*, JJ.

PER CURIAM.

Defendant appeals as of right from his bench trial conviction of attempted larceny over \$1,000 but less than \$20,000, MCL 750.356(3)(A); MCL 750.92 (2). The trial court sentenced defendant to three years' probation, with the first nine months to be served in the county jail. We affirm.

Defendant argues, erroneously, that there was insufficient evidence that he intended to permanently deprive Detroit Edison of its property.

In determining whether sufficient evidence has been presented to sustain a conviction, this court must view the evidence in a light most favorable to the prosecution and determine whether a rational trier of fact could have found that the essential elements of the crime were proved beyond a reasonable doubt. *People v Herndon*, 246 Mich App 371, 415; 633 NW2d 376 (2001).

The elements of larceny are (1) an actual or constructive taking of goods or property, (2) a carrying away or asportation, (3) the carrying away must be with a felonious intent, (4) the subject matter must be the goods or personal property of another, and (5) the taking must be without the consent and against the will of the owner. *People v Cain*, 238 Mich App 120; 605 NW2d 28 (1999). The specific intent necessary to commit larceny is the intent to steal another person's property. *Id.* An attempt is an intent to commit a crime, combined with an act that furthers the intent, "going beyond mere preparation." MCL 750.92; *People v Thousand*, 465 Mich 149, 164; 631 NW2d 694 (2001).

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\* Former Court of Appeals judge, sitting on the Court of Appeals by assignment.

This case arises out of defendant's attempt to steal a transformer belonging to Detroit Edison. Defendant denied ever touching the transformer. However, the other evidence strongly suggests that defendant attempted to move the transformer with his pickup truck and that he had succeeded in tipping it over. Police testified that, when confronted, defendant was sawing on the transformer. He claimed that someone from Detroit Edison said that he could have it. Viewing this evidence in a light most favorable to the prosecution, the evidence is clearly sufficient for the court to find that defendant intended to permanently deprive Detroit Edison of its property.

Affirmed.

/s/ Patrick M. Meter  
/s/ Henry William Saad  
/s/ Robert B. Burns