

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MICHAEL A. SORRENTINO,

Defendant-Appellant.

UNPUBLISHED

November 26, 2002

No. 237509

Wayne Circuit Court

LC No. 99-004704

Before: Markey, P.J., and Saad and Smolenski, JJ.

MEMORANDUM.

Defendant Michael A. Sorrentino appeals by right from his conviction of breaking and entering a building with intent to commit a larceny, MCL 750.110, entered following a bench trial. We affirm.

The elements of the offense of breaking and entering with intent to commit larceny are: (1) the defendant broke into a building, (2) the defendant entered the building, and (3) at the time of the breaking and entering, the defendant intended to commit a larceny therein. *People v Toole*, 227 Mich App 656, 658; 576 NW2d 441 (1998); *People v Adams*, 202 Mich App 385, 390; 509 NW2d 530 (1993). Defendant's sole argument on appeal is that his conviction must be reversed because the prosecution failed to present sufficient evidence that defendant broke into the complainant's garage before his entry. We disagree.

Any amount of force used to open a door or window to enter the building, no matter how slight, is sufficient to constitute a breaking. *Toole, supra*; *People v Wise*, 134 Mich App 82, 88; 351 NW2d 255 (1984). In the instant case, the complainant's son testified that he was watching television in a bedroom of the home. He heard two loud "bangs" from the direction of the garage that sounded "like a kick." Within seconds, he looked out the window and saw someone entering the garage through a side door which had been kicked down and was lying on the garage floor. He grabbed a flashlight, and when he saw an individual leaving the garage, he illuminated the person's face with the light. He recognized defendant, who was carrying an item from the garage as he left the garage, as his neighbor's boyfriend.

In addition to this testimony, the complainant was asked how the condition of his garage differed after the entry and stated that the side door had been "pushed in" and that there was nothing wrong with the door before defendant's entry. A Dearborn Heights police officer testified that he had examined the door and found extensive damage to the door and doorjamb.

He also stated that he interviewed the complainant who told him that there was no prior damage to the door. This testimony was sufficient evidence to establish that defendant was the individual who broke into the garage before entering. *People v Carines*, 460 Mich 750, 757; 597 NW2d 130 (1999).

We affirm.

/s/ Jane E. Markey

/s/ Henry William Saad

/s/ Michael R. Smolenski