

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

V

MARK ANTHONY LANE,

Defendant-Appellant.

UNPUBLISHED

December 20, 2002

No. 235128

Calhoun Circuit Court

LC No. 00-002173-FH

Before: Hood, P.J. and Smolenski and Kelly, JJ.

MEMORANDUM.

Defendant was convicted, following a jury trial, of home invasion, third degree, MCL 750.110a(4), and assault and battery, MCL 750.81. He was sentenced to concurrent terms of fourteen to sixty months' imprisonment for the home invasion conviction and ninety days' imprisonment for assault and battery. Defendant appeals his home invasion conviction as of right, and we affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

Defendant alleges that there was insufficient evidence to convict him of home invasion because he resided at 407 West Cass Street in Albion, his childhood home. His mother, the complainant, however, testified unequivocally that 407 West Cass was and had been her home for over forty years. She also stated that she made it very clear on the date in question that she wanted defendant to stay away from her home, and that he did not have permission to enter. In closing argument, defense counsel argued to the jury that the elements of home invasion were not established because defendant did not need permission to enter his place of residence. The jury obviously did not give credence to this argument that he did not need permission to enter the home.

In determining whether there was sufficient evidence to support a conviction, this Court considers the evidence presented in the light most favorable to the prosecution to determine whether a rational trier of fact could find that the essential elements of the charged offense were proved beyond a reasonable doubt. *People v Nowak*, 462 Mich 392, 399; 614 NW2d 78 (2000).

The trier of fact may draw reasonable inferences from the evidence. *People v Reddick*, 187 Mich App 547, 551; 468 NW2d 278 (1991). In our review, we make credibility choices in support of the jury's verdict. *Nowak, supra* at 400. Viewed in the light most favorable to the prosecution, there was ample evidence to support the jury's verdict.

Affirmed.

/s/ Harold Hood

/s/ Michael R. Smolenski

/s/ Kirsten Frank Kelly