

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

V

MARIA C. RODRIGUEZ,

Defendant-Appellant.

UNPUBLISHED

June 3, 2004

No. 245441

Wayne Circuit Court

LC No. 00-002388

Before: Markey, P.J., and Wilder and Meter, JJ.

MEMORANDUM.

Defendant appeals as of right her bench trial conviction for embezzlement by agent, MCL 750.174(4)(a). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

On appeal, defendant argues that the evidence was insufficient to support her conviction, and the court made inadequate findings. In determining whether sufficient evidence has been presented to sustain a conviction, a reviewing court must view the evidence in a light most favorable to the prosecution, and determine whether any rational finder 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). The standard of review is deferential: a reviewing court is required to draw all reasonable inferences and make credibility choices in support of the verdict. *People v Nowack*, 462 Mich 392, 400; 614 NW2d 78 (2000).

In a bench trial, MCR 2.517(A)(1) requires the court to find the facts specially, state separately its conclusions of law, and direct entry of the appropriate judgment. A trial court's findings of fact must be sufficient to show that it was aware of the relevant issues in the case and correctly applied the law. *People v Smith*, 211 Mich App 233, 235; 535 NW2d 248 (1995).

The elements of embezzlement are: (1) the money in question belonged to the principal, (2) defendant had a relationship of trust with the principal as an agent or employee, (3) the money came into defendant's possession due to the relationship of trust, (4) defendant dishonestly converted the money to her own use, (5) the act was without the consent of the principal, and (6) at the time of the conversion, defendant intended to defraud or cheat the principal. *People v Collins*, 239 Mich App 125, 131; 607 NW2d 760 (1999).

The evidence was sufficient to support the verdict. Four checks were made out in the amount of defendant's employer's tax liabilities. The checks were endorsed and deposited by defendant, who was given approximately \$8,000 in proceeds after underpaying the company's taxes. The money belonged to the employer, defendant was an employee, and the money came into her possession because of the relationship of trust. The fact finder could reasonably conclude that defendant dishonestly took the money for herself, the act was without consent of the principal, and defendant intended to defraud her employer. Although the findings were minimal, the court's statements show that it was aware of the issues in the case, and correctly applied the law.

Affirmed.

/s/ Jane E. Markey

/s/ Kurtis T. Wilder

/s/ Patrick M. Meter