

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of James Clifton Lee, Minor.

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PEOPLE OF THE STATE OF MICHIGAN,

Petitioner-Appellee,

v

JAMES CLIFTON LEE,

Respondent-Appellant.

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UNPUBLISHED

June 17, 2004

No. 246266

Washtenaw Circuit Court

LC No. 02-000734-DL

Before: Neff, P.J., and Zahra and Murray, JJ.

MEMORANDUM.

Respondent appeals as of right his bench trial juvenile conviction for unarmed robbery, MCL 750.530. We affirm.

On appeal, defendant argues that there was insufficient evidence to support his conviction. 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, amended 441 Mich 1201 (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).

The elements of unarmed robbery are (1) a felonious taking of property from another, (2) by force, violence, assault, or putting in fear, and (3) being unarmed. *People v Johnson*, 206 Mich App 122, 125-126; 520 NW2d 672 (1994). To support a finding of aiding and abetting, the prosecution must show that the defendant performed acts or gave encouragement that assisted in the commission of the crime, and defendant intended the commission of the crime or had knowledge that the principal intended its commission at the time that he gave aid and encouragement. *People v Turner*, 213 Mich App 558, 565-566; 540 NW2d 728 (1995) overruled in part on other grounds *People v Mass*, 464 Mich 615, 628; 628 NW2d 540 (2001). An aider and abettor must have the same intent as that required of the principal. *People v Barrera*, 451 Mich 261, 294; 547 NW2d 280 (1996).

There was sufficient evidence to support the conviction. Complainant testified that he gave the items up because he was afraid of getting into an unfair fight. His testimony showed that defendant acted in concert with the two others, and had the specific intent to deprive complainant of his property.

Affirmed.

/s/ Janet T. Neff

/s/ Brian K. Zahra

/s/ Christopher M. Murray