

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

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MARK LANELL CHANDLER,

Defendant-Appellant.

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UNPUBLISHED

October 28, 2004

No. 248430

Kent Circuit Court

LC No. 02-008045-FH

Before: Whitbeck, C.J., and Jansen and Bandstra, JJ.

MEMORANDUM.

Defendant appeals as of right his jury trial conviction of third-degree fleeing and eluding a police officer, MCL 750.479a(3).<sup>1</sup> We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant challenges the sufficiency of the evidence for his conviction. We view the evidence in a light most favorable to the prosecution to determine whether a rational trier of fact could conclude that the elements of the offense were proven beyond a reasonable doubt. *People v Wolfe*, 440 Mich 508, 514-515; 489 NW2d 748 (1992), amended 441 Mich 1201 (1992). We do not interfere with the jury's role of determining the weight of the evidence or the credibility of witnesses. *People v Milstead*, 250 Mich App 391, 404; 648 NW2d 648 (2002). A trier of fact may make reasonable inferences from direct or circumstantial evidence in the record. *People v Vaughn*, 186 Mich App 376, 379-380; 465 NW2d 365 (1990).

The elements of third-degree fleeing and eluding a police officer are: (1) the officer was in uniform and performing his lawful duties, and his vehicle was marked as a law enforcement vehicle; (2) the defendant was driving a motor vehicle; (3) the officer used his hand, voice, or a siren or emergency light to order the defendant to stop; (4) the defendant was aware that he had been ordered to stop; (5) the defendant refused to stop by attempting to flee and elude the officer; and (6) a portion of the violation took place in an area where the speed limit was thirty-five miles per hour or less. *People v Grayer*, 235 Mich App 737, 741; 599 NW2d 527 (1999). The terms "flee" and "elude" connote the intent to take affirmative action to avoid capture, and not merely

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<sup>1</sup> Defendant does not challenge his conviction of driving while license suspended, MCL 257.904(3)(a).

a failure to obey directions. *Id.* The statute does not require intent beyond the act of fleeing and eluding an officer. *People v Abramski*, 257 Mich App 71, 73; 665 NW2d 501 (2003).

Defendant argues that insufficient evidence was presented to support his conviction of third-degree fleeing and eluding a police officer because the evidence did not show that he attempted to flee or elude as those terms are defined. We disagree and affirm defendant's conviction. Defendant continued to drive after the officers activated their vehicle's lights and siren. He knew that the police wanted him to stop his vehicle. The jury was entitled to reject defendant's assertion that he was not attempting to flee and elude the officers and that he simply wanted a relative to witness his arrest. *Milstead, supra* at 404. The jury was entitled to conclude, instead, that defendant took affirmative actions to avoid capture, including continuing to drive in a circuitous route at speeds exceeding the speed limit of thirty-five miles per hour, failing to stop at stop signs, and making an illegal turn while looking at the police vehicle from time to time. *Grayer, supra* at 741; *Abramski, supra* at 73. The evidence, viewed in a light most favorable to the prosecution, supported defendant's conviction of third-degree fleeing and eluding. *Wolfe, supra* at 515.

We affirm.

/s/ William C. Whitbeck  
/s/ Kathleen Jansen  
/s/ Richard A. Bandstra