

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

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

NATHAN JUNIOR DITTIS,

Defendant-Appellant.

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UNPUBLISHED  
February 12, 2008

No. 275734  
Calhoun Circuit Court  
LC No. 2006-003393-FC

Before: Talbot, P.J., and Cavanagh and Zahra, JJ.

PER CURIAM.

Following a jury trial, defendant was convicted of armed robbery, MCL 750.529, conspiracy to commit armed robbery, MCL 750.157a, kidnapping, MCL 750.349, conspiracy to commit kidnapping, MCL 750.157a, extortion, MCL 750.213, and conspiracy to commit extortion, MCL 750.157a. He was sentenced as an habitual offender, fourth offense, MCL 769.12, to concurrent prison terms of 18 to 30 years for the armed robbery, conspiracy to commit armed robbery, kidnapping, and conspiracy to commit kidnapping convictions, and 10 to 15 years for the extortion and conspiracy to commit extortion convictions. He appeals as of right. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Testimony at trial indicated that shortly after Rollin Bostwick collected \$400 in cash as rent from Ken Robinson, defendant, holding a BB gun that appeared to be a shotgun under a cloth, approached and ordered both men to the ground. Defendant took their money and ordered the men into Bostwick's truck. Defendant threatened to kill everyone at Bostwick's address unless he called his wife and asked her to bring \$8,000 to Robinson's address. Bostwick complied. Defendant hit Bostwick and Robinson with the gun. Bostwick's wife called 911 to procure help. The police arrived at the scene and eventually apprehended defendant.

Defendant's mother testified that less than two months before the incident, defendant told her that "Ken" wanted defendant to help him rob a landlord. She convinced him not to participate. Approximately a week before the incident, she saw Ken at defendant's house, Ken took defendant outside, and they spoke for 30 minutes or longer. During defendant's interview with the police, he correctly informed the detective that the money was underneath a trashcan in the room. Defendant told the detective that Ken persuaded him to help rob the landlord.

Defendant argues that the evidence was insufficient to support the conspiracy convictions. When reviewing the sufficiency of the evidence in a criminal case, this Court "must

view the evidence in a light most favorable to the prosecution and determine whether a rational trier of fact could have found the essential elements of the crime proven beyond a reasonable doubt.” *People v Johnson*, 460 Mich 720, 723; 597 NW2d 73 (1999).

“Any person who conspires together with [one] or more persons to commit an offense prohibited by law” is guilty of the crime of conspiracy. MCL 750.157a. “The crime is complete upon formation of the agreement.” *People v Justice (After Remand)*, 454 Mich 334, 345-346; 562 NW2d 652 (1997) (citation omitted). “No overt act in furtherance of the conspiracy is necessary.” *People v Cotton*, 191 Mich App 377, 393; 478 NW2d 681 (1991). The conspiracy may be proven by “the circumstances, acts, and conduct of the parties” and the reasonable inferences drawn from that evidence. *Justice, supra* at 347-348.

Viewed in the light most favorable to the prosecution, defendant’s statement, his mother’s testimony, and the circumstances of the incident were sufficient to establish the existence of an agreement between defendant and Ken Robinson to commit the offenses.

Within his challenge to the sufficiency of the evidence, defendant contends that the prosecution failed to submit proof of the conspiracy independent of his statements, in violation of the corpus delicti rule.<sup>1</sup> The corpus delicti rule prohibits the admission of a defendant’s inculpatory statements in the absence of “direct or circumstantial evidence independent of the confession establishing (1) the occurrence of the specific injury . . . and (2) some criminal agency as the source of the injury.” *People v Konrad*, 449 Mich 263, 269; 536 NW2d 517 (1995) (citation omitted). The rule does not apply “to admissions of fact that do not amount to confessions of guilt.” *People v Rockwell*, 188 Mich App 405, 407; 470 NW2d 673 (1991). This Court reviews a lower court’s decision regarding the application of the corpus delicti rule for an abuse of discretion. *People v King*, 271 Mich App 235, 239; 721 NW2d 271 (2006).

Defendant’s mother’s testimony concerning defendant’s report that “Ken” was attempting to persuade him to participate in robbing a landlord and her observation of a private conversation between the men approximately a week before the incident was sufficient circumstantial evidence of the conspiracy. The admission of defendant’s statement to the police was not an abuse of discretion.

Within defendant’s challenge to the sufficiency of the evidence, he also claims that his conspiracy convictions violate the “no one-man” conspiracy rule. See *People v Anderson*, 418 Mich 31, 38; 340 NW2d 634 (1983). However, this rule applies to a joint trial of alleged co-conspirators, *id.*, and Robinson was not tried with defendant. Thus, there was no violation of this rule.

Affirmed.

/s/ Michael J. Talbot  
/s/ Mark J. Cavanagh  
/s/ Brian K. Zahra

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<sup>1</sup> See *People v Konrad*, 449 Mich 263, 269; 536 NW2d 517 (1995).