

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MAGGIE LENETTE RICKS,

Defendant-Appellant.

UNPUBLISHED

May 13, 2010

No. 289838

Berrien Circuit Court

LC No. 2007-405491-FH

Before: BANDSTRA, P.J., and FORT HOOD and DAVIS, JJ.

PER CURIAM.

Following a jury trial, defendant was convicted of welfare fraud, MCL 400.60(1). Defendant was sentenced to 30 days in jail, 60 days on a tether, and five years of probation. She appeals as of right, and we affirm.

Defendant's request for childcare benefits was granted in 2004, when she represented that she was working at a staffing company forty hours per week. In 2005, she filed a petition for review of her public assistance case. On this application, defendant represented that she was self-employed and provided personal need services for two elderly women, Ora Lee Brown and Verbina Jones. A regulation agent with the Department of Human Services (DHS) contacted defendant regarding the validity of her employment. The agent testified that defendant refused to come in for an interview, but provided the addresses of her clients. Ultimately, it was found that the addresses provided were residences of defendant's relatives. Defendant's relatives testified that they did not know defendant's clients and that she did not provide services to those individuals in their homes. The regulation agent also testified that defendant later stated that Verbina Jones was really Valerie Rogers Curtis, and then represented that Verbina Jones was actually named Verbina Carter. Further, the agent testified that she was unable to locate the named clients and defendant's childcare provider. On the contrary, defendant testified that she did not make intentional misrepresentations to the agent. Rather, the agent demanded addresses, and defendant provided the information as best as she could at that time. Despite her testimony of legitimate self-employment, the jury convicted defendant as charged.

Defendant's statement of the issue on appeal challenges the "circularity" of the conviction and a denial of due process of law. However, the contents of the brief on appeal challenges the sufficiency of the evidence, instructional error, vagueness, and federal preemption. An issue is not properly presented for appellate review unless it is raised in the statement of questions presented. *People v Anderson*, 284 Mich App 11, 16; 772 NW2d 792

(2009); MCR 7.212(C)(5). Additionally, a defendant abandons an issue when she fails to provide any analysis in the text of the brief. *People v Payne*, 285 Mich App 181, 188; 774 NW2d 714 (2009). Although defendant cites authority in support of her position, she fails to correlate the legal analysis to the elements of the offense, the instructions provided, and the applicable statutes. Despite these deficiencies, we will briefly address defendant's challenges.

To convict defendant of welfare fraud, the prosecutor had to prove that the defendant made a false statement or representation to DHS, that she knew it was false when made, that she intended to defraud DHS, that DHS relied on the false statement or representation, that the result of the falsehood was improper payment of benefits to defendant, and that the amount fraudulently received was in excess of \$500. MCL 400.60(1).

A challenge to the sufficiency of the evidence is reviewed de novo. *People v Martin*, 271 Mich App 280, 340; 721 NW2d 815 (2006). When reviewing a claim of insufficient evidence, this Court reviews the record in a light most favorable to the prosecutor to determine whether a rational trier of fact could find that the essential elements of the crime were proven beyond a reasonable doubt. *In re Contempt of Henry*, 282 Mich App 656, 677; 765 NW2d 44 (2009). Appellate review of a challenge to the sufficiency of the evidence is deferential. *People v Nowack*, 462 Mich 392, 400; 614 NW2d 78 (2000). The reviewing court must draw all reasonable inferences and examine credibility issues that support the jury verdict. *Id.* When assessing a challenge to the sufficiency of the evidence, the trier of fact, not the appellate court, determines what inferences may be fairly drawn from the evidence and the weight to be accorded those inferences. *People v Hardiman*, 466 Mich 417, 428; 646 NW2d 158 (2002). This Court must not interfere with the jury's role as the sole judge of the facts when reviewing the evidence. *People v Meshell*, 265 Mich App 616, 619; 696 NW2d 754 (2005).

Review of the record reveals that there was sufficient evidence to support the conviction for welfare fraud. The individuals that defendant named as clients could not be located. Additionally, the location of the services rendered and the names of the clients changed as the investigation continued. Although defendant asserted that she did not provide conflicting information regarding her clientele, the jury examined the credibility of her testimony and rejected it. We will not interfere with the jury's determination. *Meshell*, 265 Mich App at 619. Defendant's contention that there was insufficient evidence because the prosecutor failed to demonstrate that a childcare provider was not paid is without merit. The prosecutor ultimately did not pursue that theory before the jury.

Similarly defendant's challenge to the jury instructions does not provide her with appellate relief because of the approval of the instructions as read to the jury. *People v Carter*, 462 Mich 206, 216; 612 NW2d 144 (2000). The statute at issue is not unconstitutionally vague because defendant's own conduct falls within the constitutional scope of the statute. *People v Hill*, 269 Mich App 505, 525-526; 715 NW2d 301 (2006). Finally, defendant fails to cite authority that federal law precludes the prosecution of state welfare fraud. *Payne*, 285 Mich App at 187-188.

Affirmed.

/s/ Richard A. Bandstra

/s/ Karen M. Fort Hood

/s/ Alton T. Davis