

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

EPHRAIM SALEH FISHER,

Defendant-Appellant.

UNPUBLISHED

September 26, 1997

No. 195867

Recorder's Court

LC No. 95-007562

Before: Holbrook, Jr., P.J., and White and R.J. Danhof*, JJ.

MEMORANDUM.

Defendant was convicted following a bench trial of assault with intent to rob while armed, MCL 750.89; MSA 28.284, and felonious assault, MCL 750.82; MSA 28.277. He appeals as of right, arguing that insufficient evidence was presented at trial to sustain his conviction of assault with intent to rob while armed. We affirm.

To convict a defendant of the offense of assault with intent to rob while armed, the defendant's specific intent to rob or steal must be proven beyond a reasonable doubt. *People v Cotton*, 191 Mich App 377, 391; 478 NW2d 681 (1991). Contrary to defendant's argument, the fact that defendant neither openly expressed his intent to rob the bakery nor did he actually steal anything does not leave his conviction open to a challenge based on insufficiency of the evidence. Circumstantial evidence, and reasonable inferences arising from the evidence, may constitute satisfactory proof of a defendant's specific intent to commit an offense. *People v Hutner*, 209 Mich App 280, 282; 530 NW2d 174 (1995). Here, the evidence established that defendant and his friends were "hanging out" when one of them asked if anyone wanted some bread. The group agreed and proceeded to the complainants' bakery, which was closed at the time, entering through an open garage door. The group was asked to leave by Sandy Janevski, an employee of the bakery. In response, defendant cursed her, grabbed an empty steel baking pan, and began to beat her with it. At the same time, another member of defendant's group began to snatch bread from the shelves. When Dragoslav Janevski attempted to aid his daughter, defendant began to beat him with the same steel pan. While he beat Sandy and Dragoslav, others in defendant's group grabbed bread from the shelves. Defendant left only after Koce Mihajlovic entered the garage and fired a gun into the air. Accordingly, viewing this evidence in the light

* Former Court of Appeals judge, sitting on the Court of Appeals by assignment.

most favorable to the prosecution, sufficient evidence was presented to support an inference that defendant specifically intended to rob the bakery.

Affirmed.

/s/ Donald E. Holbrook, Jr.

/s/ Helene N. White

/s/ Robert J. Danhof