

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

SAM ALLAN JOHNSON,

Defendant-Appellant.

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UNPUBLISHED

November 25, 1997

No. 197427

Kent Circuit Court

LC No. 95-000213 FC

Before: Jansen, P.J., and Fitzgerald and Young, JJ.

MEMORANDUM.

Defendant was convicted of armed robbery, MCL 750.529; MSA 28.797, and sentenced to an enhanced term of imprisonment of five to twenty years, reflecting his status as a second offender, MCL 769.10; MSA 28.1082. Defendant appeals as of right. We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

Defendant argues that the evidence presented was insufficient to convict him of armed robbery because defendant's initial threat of violence did not result in the victim giving his wallet to defendant. We reject defendant's argument. Armed robbery is a continuous offense which is not complete until the perpetrator reaches a place of temporary safety. *People v Velasquez*, 189 Mich App 14, 17; 472 NW2d 289 (1991). Accordingly, the use of force or intimidation at any point during the criminal transaction is sufficient to supply the element of force or coercion essential to the offense of robbery. *Id.*

Viewing the evidence in a light most favorable to the prosecution, we conclude that a rational trier of fact could have found beyond a reasonable doubt that defendant took the victim's wallet by force and violence. *People v Wolfe*, 440 Mich 508, 515; 489 NW2d 748 (1992), amended 441 Mich 1201 (1992); *Velasquez, supra*.

Likewise, we reject defendant's argument that the prosecutor presented insufficient evidence that defendant was armed at the time of the robbery to sustain defendant's conviction. Viewing the evidence in a light most favorable to the prosecution, we conclude that sufficient objective evidence was presented to allow a rational trier of fact to find beyond a reasonable

doubt that defendant possessed a dangerous weapon at the time of the robbery. *Wolfe, supra*; *People v Jolly*, 442 Mich 458, 465; 502 NW2d 177 (1993); *People v Johnson*, 206 Mich App 122, 124-125; 520 NW2d 672 (1994).

Affirmed.

/s/ Kathleen Jansen

/s/ E. Thomas Fitzgerald

/s/ Robert P. Young, Jr.