

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MICHAEL HENDERSON,

Defendant-Appellant.

UNPUBLISHED

September 22, 1998

No. 200608

Recorder's Court

LC No. 96-001342

Before: Hood, P.J., and Griffin and O'Connell, JJ.

MEMORANDUM.

Defendant appeals as of right his conviction after a jury trial for larceny by conversion, MCL 750.362; MSA 28.594. We affirm.

Defendant argues that insufficient evidence of intent to defraud was presented to support his conviction. In determining whether sufficient evidence has been presented to sustain a conviction, an appellate court must view the evidence in a light most favorable to the prosecution and determine whether any rational finder of fact could have found that the essential elements of the crime were proven beyond a reasonable doubt. *People v Wolfe*, 440 Mich 508, 515; 489 NW2d 748 (1992).

Viewed in a light most favorable to the prosecution, there was sufficient evidence to show that defendant intended to defraud his victims. Defendant claimed that he worked for two construction companies. He asserted that he passed complainants' deposit money to one of the companies. Yet, owners of both companies denied receiving any of the deposit money. The logical implication is that defendant kept the money himself, and he intended to deprive complainants of their property. The evidence presented was sufficient to establish the elements of larceny by conversion. *People v McIntosh*, 103 Mich App 11, 17; 302 NW2d 321 (1981).

Affirmed.

/s/ Harold Hood

/s/ Richard Allen Griffin

/s/ Peter D. O'Connell

