

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

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

VASHAWN M. MILLER,

Defendant-Appellant.

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UNPUBLISHED

December 11, 1998

No. 201265

Recorder's Court

LC No. 96-003233

Before: Markman, P.J., and Bandstra and J.F. Kowalski\*, JJ.

MEMORANDUM.

Following a bench trial, defendant was convicted of armed robbery, MCL 750.529; MSA 28.797, and assault with intent to commit murder, MCL 750.83; MSA 28.278, as an aider and abettor and was sentenced to concurrent terms of ten to twenty years' imprisonment. Defendant appeals as of right. We affirm.

Viewing the evidence in a light most favorable to the prosecutor, a rational trier of fact could find beyond a reasonable doubt that defendant aided and abetted in the commission of the armed robbery and assault with intent to commit murder. *People v Wolfe*, 440 Mich 508, 515; 489 NW2d 748 (1992), amended 441 Mich 1201 (1992); *People v Davis*, 216 Mich App 47, 53; 549 NW2d 1 (1996); *People v Turner*, 213 Mich App 558, 568-569; 540 NW2d 728 (1995); *People v Wilson*, 196 Mich App 604, 609; 493 NW2d 471 (1992); *People v Wirth*, 87 Mich App 41, 46-47; 273 NW2d 104 (1978). Regarding the aiding and abetting an armed robbery conviction, the evidence adduced at trial showed that defendant admitted to initially planning the robbery with codefendant Brian Jones about three weeks before the actual robbery occurred, to knowing that the robbery was to occur on March 15 at Sean Hickson's home, and to knowing that Jones was carrying a 9 mm handgun. Defendant also admitted to informing Jones where defendant and the victim were going to eat and, more importantly, that they would be returning to Hickson's residence after they ate. Further, defendant did not inform the victim of the impending robbery, but instead returned the victim to the location where defendant knew the robbery was going to occur based on his earlier participation in the planning of the

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

robbery. In light of the foregoing, a rational trier of fact could find beyond a reasonable doubt that defendant aided and abetted in the commission of the armed robbery. *Turner, supra; Wilson, supra.*

With regard to the aiding and abetting an assault with intent to commit murder conviction, the evidence showed that defendant knew that Brian Jones possessed the intent to kill. *Davis, supra; Wirth, supra* at 46. Defendant admitted that he knew Jones was carrying a handgun and that Jones had told him that Jones would shoot the victim if the victim refused to cooperate with Jones. Thus, a rational trier of fact could find that the essential elements of the crime were proven beyond a reasonable doubt. *Wolfe, supra; Davis, supra; Turner, supra; Wirth, supra.*

We decline to address defendant's remaining issue in light of defendant's failure to raise this issue in a motion for new trial. *People v Winters*, 225 Mich App 718, 729; 571 NW2d 764 (1997); *People v Dukes*, 189 Mich App 262, 264; 471 NW2d 651 (1991).

We affirm.

/s/ Stephen J. Markman

/s/ Richard A. Bandstra

/s/ John F. Kowalski