

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

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MARK ANTHONY ZAPAWA,

Defendant-Appellant.

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UNPUBLISHED

August 6, 1999

No. 206496

Macomb Circuit Court

LC No. 96-003182 FH

Before: Sawyer, P.J., and Holbrook, Jr., and W. E. Collette,\* JJ.

PER CURIAM.

Defendant appeals as of right his conviction of larceny in a building, MCL 750.360; MSA 28.592, entered after a jury trial. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant was charged with larceny in a building in connection with the theft of medical supplies from St. Joseph Mercy Hospital. The evidence produced at trial showed that defendant reported to the hospital's emergency room complaining of back pain. Melanie Anderson, a nurse, placed defendant in exam room seven. Defendant was the first patient to use the room since it had been restocked. Anderson testified that she did not use any supplies from the cabinet when she treated defendant. When defendant was taken for an x-ray, no other patient was placed in the room. As Anderson was preparing discharge instructions, defendant appeared in the hallway fully dressed and wearing a coat. He demanded that Anderson remove the IV needle. After she did so, defendant left the hospital. Technician Michael Rowe testified that when he entered the room to clean and restock it after defendant's departure, he found the supply cabinet ransacked, the sharps container broken, and a patient belonging bag full of supplies next to the table.

Defendant argues that the evidence was insufficient to support his conviction. We disagree. In reviewing a sufficiency of the evidence question, we view the evidence in a light most favorable to the prosecution to determine whether a rational trier of fact could conclude that the elements of the offense were proved beyond a reasonable doubt. *People v Wolfe*, 440 Mich 508, 515; 489 NW2d 748

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

(1992). “Circumstantial evidence and reasonable inferences arising from the evidence may constitute satisfactory proof of the elements of the offense.” *People v Greenwood*, 209 Mich App 470, 472; 531 NW2d 771 (1995). We do not interfere with the jury’s role of determining the weight of the evidence or the credibility of witnesses. *People v Warren*, 228 Mich App 336, 343; 578 NW2d 692 (1998).

The elements of larceny in a building are:

“(1) an actual or constructive taking of goods or property, (2) a carrying away or asportation [of the goods or property], (3) the carrying away must be with a felonious intent, (4) the subject matter must be the goods or personal property of another, (5) the taking must be without the consent and against the will of the owner. . . , [and] (6) the taking must be done within the confines of the building.” [*People v Mumford*, 171 Mich App 514, 517-518; 430 NW2d 770 (1988), quoting *People v Wilbourne*, 44 Mich App 376, 378; 205 NW2d 250 (1973).]

The evidence produced at trial showed that defendant was the only patient to use exam room seven between the time it was stocked with supplies and the time defendant left the hospital. After defendant left the hospital, the supply cabinet was found ransacked and the sharps container was found broken. In addition to the supplies found in defendant’s patient belonging bag, other supplies were discovered to be missing from the room after defendant left the hospital. Those supplies were never recovered. We believe this evidence supports a finding that defendant concealed those supplies on his person and left the hospital with them. The act of concealment demonstrated criminal intent and constituted asportation. *Mumford, supra* at 518. The evidence that supplies were found in defendant’s patient belonging bag supported an inference that defendant placed them in the bag to conceal them. The slightest movement of goods, with the requisite criminal intent, constitutes asportation. *Id.* See also CJ12d 23.4. Viewed in a light most favorable to the prosecution, the evidence, while not overwhelming, was sufficient to support defendant’s conviction. *Greenwood, supra.*

Affirmed.

/s/ David H. Sawyer

/s/ Donald E. Holbrook, Jr.

/s/ William E. Collette