

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

KENNETH ERIC ROSS,

Defendant-Appellant.

UNPUBLISHED
October 12, 1999

No. 205787
Ottawa Circuit Court
LC No. 97-020685 FH

Before: Griffin, P.J., and Zahra and S.L. Pavlich*, JJ.

PER CURIAM.

Defendant appeals as of right from his conviction of larceny in a building, MCL 750.360; MSA 28.592, entered after a jury trial. We affirm.

Defendant was charged with larceny in a building in connection with the theft of coats from an elementary school. Johnny Hines, defendant's co-defendant and the prosecution's principal witness, testified that he and defendant entered the school, took coats that were hanging in the hallway, and left the school. Hines admitted taking two coats, and indicated that defendant took one coat. Defendant concealed the coat he took near a house in the neighborhood. After initially denying involvement, Hines identified himself and defendant as the perpetrators. On cross-examination Hines admitted that he sometimes lied; however, he contended that he had testified truthfully regarding this matter. Hines stated that he had received no consideration for his testimony. Chris Houghlin, a teacher at the school, testified that he observed defendant and another person in the school at the time of the incident. Officer Beelen testified that he found a coat concealed in a location specified by Hines, and that he later apprehended defendant.

The jury found defendant guilty as charged. Defendant was sentenced to serve thirty months' probation, with the first six months on electronic tether.

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

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

elements of the offense were proved beyond a reasonable doubt. We do not interfere with the jury's role of determining the weight of the evidence or the credibility of witnesses. *People v Wolfe*, 440 Mich 508, 514-515; 489 NW2d 748 (1992); *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 goods or property must be the personal property of another; (5) the taking must be without the consent and against the will of the owner; and (6) the taking must occur within the confines of the building. *People v Mumford*, 171 Mich App 514, 517-518; 430 NW2d 770 (1988).

Defendant argues that the evidence was insufficient to support his conviction because Hines' testimony could not be deemed credible. We disagree and affirm. The credibility of Hines' testimony was for the jury to determine. We do not interfere with the jury's resolution of credibility issues. *Wolfe, supra*. Hines' testimony established that defendant entered the school, took the personal property of another without permission, and then concealed the property. The act of concealment demonstrated criminal intent and constituted asportation. *Mumford, supra*, at 518. Furthermore, other evidence, in the form of testimony given by Houghlin, placed defendant in the school at the time of the incident. Circumstantial evidence and reasonable inferences arising from the evidence can constitute sufficient proof of the elements of the offense. *People v Greenwood*, 209 Mich App 470, 472; 531 NW2d 771 (1995). Viewed in a light most favorable to the prosecution, the evidence was sufficient to support defendant's conviction. *Warren, supra*.

Affirmed.

/s/ Richard Allen Griffin

/s/ Brian K. Zahra

/s/ Scott L. Pavlich