

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

KENYA S. RUGLEY,

Defendant-Appellant.

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UNPUBLISHED

February 8, 2000

No. 209531

Detroit Recorder's Court

LC No. 97-003424

Before: Zahra, P.J., and Saad and Gage, JJ.

PER CURIAM.

Defendant Kenya S. Rugley appeals as of right from his bench trial convictions for being an accessory after the fact, MCL 750.505; MSA 28.773, and possession of a firearm during the commission of a felony, MCL 750.227b; MSA 28.424(2). Defendant was sentenced to five years' probation for his accessory after the fact conviction, and to two years' imprisonment for the felony-firearm conviction. This case arises out of an armed conflict between four passengers in an automobile and some pedestrians who were crossing the street. Defendant argues that the trial court erred in finding that defendant was an accessory after the fact to the assault perpetrated against the passengers of the vehicle by codefendant Hallauer. We disagree.

Defendant's argument amounts to a contention that the evidence at trial was insufficient to support the verdict. We review an insufficiency of the evidence claim to determine whether the evidence adduced at trial, viewed in a light most favorable to the prosecutor, was sufficient to justify a rational trier of fact in finding guilt beyond a reasonable doubt. *People v Johnson*, 460 Mich 720, 722-723; 597 NW2d 73 (1999); *People v Wolfe*, 440 Mich 508, 516 n 6; 489 NW2d 748, modified 441 Mich 1201 (1992).

The trial court found that defendant was with codefendant Michael Hallauer at the time of the shooting. The court reviewed the testimony of witnesses who observed Hallauer give defendant his gun after Hallauer fired the initial shots. The court also cited the testimony of a forensic chemist, who found that the web of defendant's right hand tested positive for gunpowder, to further support a finding that defendant had possessed a recently fired gun. The court then found that the elements necessary to support a conviction for accessory after the fact were satisfied: (1) another person (Hallauer) had

committed a crime, (2) defendant helped the other person avoid discovery, arrest, trial, or punishment by taking the weapon, (3) defendant knew that the other person had committed the crime, and (4) defendant intended to help the other person. See *People v Perry*, 460 Mich 55, 62; 594 NW2d 477 (1999); *People v Lucas*, 402 Mich 302, 304; 262 NW2d 662 (1978). Where a defendant, “with knowledge of the other’s guilt, renders assistance to a felon in the effort to hinder his detection, arrest, trial or punishment,” he is guilty as an accessory after the fact. *Perry*, *supra* at 62; *Lucas*, *supra* at 304.

Defendant argues that none of the evidence adduced at trial revealed any attempt by defendant to help Hallauer avoid discovery, arrest, trial, or punishment. In a factually similar case, *People v Williams*, 117 Mich App 505, 514; 324 NW2d 70 (1982), this Court found sufficient evidence to support a conviction of accessory after the fact where the defendant took a gun that defendant knew was used in a shooting by a codefendant to a girl friend’s house. The Court found that an intent to aid in the codefendant’s escape was shown when the defendant secreted the gun away, which prevented the weapon from being recovered. *Id.*

In this case, the trial court’s findings were supported by the evidence. Complainant Olsen testified that he saw Hallauer shoot at the car three to four times, and then hand his gun to defendant. Olsen also testified that while the car was reversing he saw defendant running away from the scene. Complainant Woodward also testified that Hallauer gave his handgun to defendant. Hayden Dannug, an expert in scanning electron microscopy and gunpowder residue testing, testified that defendant had gunshot residue particles on the web of his right hand. Dannug testified that a person who picked up a recently fired gun could get the residue on his hand. The fact that no residue was found on defendant’s left hand or on his face supports the trial court’s finding that defendant actually handled the gun, and is inconsistent with defendant’s assertion that he was merely present at the scene.

Finally, Officer Zani testified that he questioned defendant once as he was coming out of a party store shortly after the shooting and again sometime later as defendant was walking down the street. Officer Zani testified that defendant looked “really nervous” while he was questioning him. Significantly, defendant knew that the police were investigating the shooting and looking for weapons that may have been used in the crime. The fact that defendant did not turn Hallauer’s gun over to the police or inform the police where he took the gun after the shooting supports an inference that defendant intended to help Hallauer avoid discovery, arrest, trial or punishment. Circumstantial evidence and the reasonable inferences that arise from the evidence can constitute satisfactory proof of the elements of a crime. *People v Carines*, 460 Mich 750, 757; 597 NW2d 130 (1999).

Viewing the evidence adduced at trial in a light most favorable to the prosecution, we conclude that there was sufficient evidence from which a rational trier of fact could find beyond a reasonable doubt that defendant helped Hallauer avoid discovery, arrest, trial or punishment by taking the weapon from the scene of the crime and failing to inform the police where the gun was

located when he was questioned about the shooting. Therefore, we find there was sufficient evidence to support defendant's conviction for accessory after the fact

Affirmed.

/s/ Brian K. Zahra

/s/ Henry William Saad

/s/ Hilda R. Gage