

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

VALDEZ DURAN ADAMS,

Defendant-Appellant.

UNPUBLISHED

April 21, 2000

No. 206343

Recorder's Court

LC No. 96-005111

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

MEMORANDUM.

Following a bench trial, defendant was convicted of entering a home without permission, MCL 750.115; MSA 28.310, and aiding and abetting the malicious destruction of personal property over \$100, MCL 750.377a; MSA 28.609(1), MCL 767.39; MSA 28.979. The trial court sentenced defendant to three years' probation. Defendant appeals as of right, and we affirm.

Defendant contends that the trial court erred in finding that he had the requisite intent to commit malicious destruction of personal property, and that the shotgun shells found near the complainant's vehicle were spent from the shotgun that defendant allegedly possessed. This Court reviews for clear error a trial court's findings of fact. MCR 2.613(C). A finding of fact is clearly erroneous when, after a review of the entire record, an appellate court is left with a definite and firm conviction that a mistake has been made. *People v Swirles (After Remand)*, 218 Mich App 133, 136; 553 NW2d 357 (1996).

The testimony of complainant Michael Moses established that defendant appeared at his door around 2:00 a.m., that defendant was with another man who carried a shotgun, that defendant and the other man attempted to push open the door to Moses' home, that Moses subsequently heard shots and then saw defendant, while standing in Moses' neighbor's yard, fire the shotgun at Moses' vehicle. The testimony of the police officers who arrived at the scene shortly after the crime occurred further substantiated Moses' testimony. These facts adequately support the trial court's finding that defendant at least participated in and encouraged the discharge of a shotgun at Moses' vehicle, and that at the time of his participation and encouragement defendant possessed the specific intent necessary for conviction of malicious destruction of personal property over \$100. *People v Nelson*, 234 Mich App 454, 459;

594 NW2d 114 (1999) (Malicious destruction of personal property requires a showing of the defendant's specific intent to damage or destroy property, which intent may be inferred from all the facts and circumstances); *People v King*, 210 Mich App 425, 429; 534 NW2d 534 (1995) (The aider and abettor must either himself possess the requisite specific intent for the underlying crime or know that the principal possesses the requisite intent.).

Despite defendant's testimony denying involvement in the shooting of Moses' vehicle, our review of the available evidence does not leave us with the definite and firm conviction that the trial court erred with respect to its findings, or consequently its verdict. *Swirles, supra*.

Affirmed.

/s/ Brian K. Zahra

/s/ Henry William Saad

/s/ Hilda R. Gage