

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

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ANTHONY GOODWATER,

Defendant-Appellant.

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UNPUBLISHED

August 4, 2000

No. 217296

Saginaw Circuit Court

LC No. 98-015236-FH

Before: Gage, P.J., and Gribbs and Sawyer, JJ.

PER CURIAM.

Following a jury trial, defendant was convicted of conspiracy to commit breaking and entering of a motor vehicle with damage, MCL 750.157(a); MSA 28.354(1); MCL 750.356a; MSA 28.588(1), possession of burglar tools, MCL 750.116; MSA 28.311, twelve counts of breaking and entering of a vehicle causing damage, MCL 750.356a; MSA 28.588(1), malicious destruction of property over \$100, MCL 750.377a; MSA 28.609(1), and malicious destruction of property less than \$100, MCL 750.377a; MSA 28.609(1). The trial court sentenced defendant to five years' probation, with the first year to be spent in jail. Defendant appeals by right. We affirm.

On appeal, defendant raises three separate arguments challenging the sufficiency of the evidence. In reviewing a challenge to the sufficiency of the evidence, we examine the evidence in the light most favorable to the prosecution and determine whether a rational trier of fact could conclude that the essential elements of the crime were proven beyond a reasonable doubt. *People v Wolfe*, 440 Mich 508, 513-514; 489 NW2d 748, amended 441 Mich 1201 (1992).

Defendant first argues that the evidence was insufficient to establish that he aided and abetted the breaking and entering of a motor vehicle causing damage. We disagree. The evidence showed that defendant personally broke into and damaged some of the vehicles, and that he acted as a lookout while his companion, Eric Spillers, broke into and damaged other vehicles. There was evidence that defendant helped Spillers put the stolen items in Spillers' car, helped unload the stolen items, and discussed with Spillers the possibility of selling the items. From this evidence, the jury could infer that defendant was assisting the commission of the crime of breaking and entering of a motor vehicle he knew that Spillers intended to commit. *People v Nichols*, 69 Mich App 357, 359; 244 NW2d 335

(1976). The state of mind of an aider and abettor may be inferred from all the facts and circumstances. *People v Turner*, 213 Mich App 558, 567; 540 NW2d 728 (1995). Viewed in light most favorable to the prosecution, the evidence was sufficient to support defendant's conviction. *Wolfe, supra*.

Defendant next challenges the prosecutor's proofs regarding aiding and abetting the malicious destruction of personalty offenses. There is no merit to this claim. The evidence in this case showed that both defendant and Spillers used a screwdriver to break vehicles' windows so that they could steal objects from inside the vehicles. Although defendant did not personally break all the vehicles' windows, he also served as a lookout while Spillers broke them. It is reasonable to infer that defendant assisted the commission of the crime of malicious destruction of personalty and that he knew that Spillers intended to commit that crime. *Nichols, supra* at 359; *People v Carines*, 460 Mich 750, 761; 597 NW2d 130 (1999). Upon review of the complete record, and viewed in light most favorable to the prosecution, we find the evidence sufficient to support defendant's convictions for malicious destruction of personalty.

Defendant next argues that the prosecution produced insufficient evidence to convict him of possession of burglar tools. Again, we disagree. The crime of possession of burglar tools requires proof that the instruments involved were tools "adapted and designed" for breaking and entering, that the defendant possessed the tools knowing that they are adapted and designed for the purpose of breaking and entering, and that the defendant possessed the tools intending to use them to commit a breaking and entering. MCL 750.116; MSA 28.311; *People v Dorrington*, 221 Mich 571, 574; 191 NW 831 (1923). In the instant case, defendant argues that the screwdriver he possessed while committing the breakings does not constitute a burglar tool because it is not designed or manufactured to break into vehicles. The term "adapted and designed" means "contrived or taken to be employed" for the purpose of breaking and entering. *Dorrington, supra* at 574. Although a screwdriver may have a purpose outside assisting in burglaries, a screwdriver may be "adapted and designed" for the purpose of breaking and entering. *People v Murphy*, 28 Mich App 150, 159-160; 184 NW2d 256 (1970). In the present case, the evidence showed that defendant did in fact "employ" the screwdriver repeatedly to break and enter vehicles and to pry objects out of the vehicles. Thus, taken as a whole and viewed in light most favorable to the prosecution, the evidence was sufficient to support defendant's conviction for possession of burglar tools. *Murphy, supra* at 159-160.

Affirmed.

/s/ Hilda R. Gage  
/s/ Roman S. Gibbs  
/s/ David H. Sawyer