STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

WADE VINCENT DUNN, a/k/a FALEZA YOUSEF KAPSTRUS,

Defendant-Appellant.

UNPUBLISHED
December 15, 2000

No. 215544
Macomb Circuit Court
LC No. 98-001435-FH

Before: Bandstra, C.J., and Wilder and Collins, JJ.

PER CURIAM.

Following a bench trial, defendant was convicted of larceny in a building, MCL 750.360; MSA 28.592. He was sentenced to two to four years' imprisonment. Defendant appeals as of right. We affirm.

Defendant first argues that the prosecution failed to present sufficient evidence to support his conviction. We disagree. When reviewing a claim of insufficient evidence, this Court must view the evidence in a light most favorable to the prosecution and determine whether a rational trier of fact could have found that the essential elements of the crime were proved beyond a reasonable doubt. *People v Reid*, 233 Mich App 457, 466; 592 NW2d 767 (1999). Circumstantial evidence and reasonable inferences arising from that evidence may be sufficient to prove the elements of a crime. *People v Nelson*, 234 Mich App 454, 459; 594 NW2d 114 (1999).

> The elements of larceny in a building are (1) the actual or constructive taking of goods or property, (2) a carrying away or asportation, (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 Randolph*, 242 Mich App 417, 424-422; ___ NW2d ___ (2000).]

The offense of larceny in a building is complete as soon as there is the slightest taking of property with the intent to steal it. *People v Mumford*, 171 Mich App 514, 518; 430 NW2d 770 (1988). Because of the difficulty in proving an actor's state of mind, minimal circumstantial

evidence has been found sufficient to establish the requisite intent to commit the offense. See *People v Bowers*, 136 Mich App 284, 297; 356 NW2d 618 (1984).

Here, the prosecution presented evidence that the complainant saw defendant, her stepbrother, drive by her house and that he arrived at her house about ten or fifteen minutes later, shortly after the complainant's husband left for work. After visiting with the complainant in the backyard for a while, defendant asked to use the bathroom and went inside the house. While still in her backyard, the complainant heard defendant's car start. The complainant asked her son if defendant had said "goodbye" to him and her son responded that he had not. The complainant ran around the side of the house and saw defendant's car driving away. She went into her house and noticed that her bag of compact discs, which she had seen earlier that afternoon, was missing. The complainant decided to pursue defendant and caught up to him on the expressway. When she pulled up next to defendant's car and yelled at him to give her compact discs back, defendant fled. The complainant testified that, besides her family and defendant, nobody else had been in her house for twenty-four hours before the incident, and that she never saw the bag of compact discs again.

From this evidence, a reasonable trier of fact could infer that defendant entered the complainant's house, took her bag of compact discs, and carried them away in his car. See *People v Greenwood*, 209 Mich App 470, 471-472; 531 NW2d 771 (1995). Further, there was sufficient evidence that defendant took the compact discs with felonious intent. Evidence of flight is admissible as indicating consciousness of guilt. *People v Coleman*, 210 Mich App 1, 4; 532 NW2d 885 (1995). Defendant left the complainant's house abruptly without telling anybody he was leaving and fled when the complainant confronted him on the highway about the compact discs. The circumstantial evidence presented was sufficient for a reasonable for the trier of fact to find that the elements of larceny in a building had been satisfied.

Defendant next argues that he must be resentenced because Prior Record Variable (PRV) 1 was improperly scored on his Sentencing Information Report (SIR). Defendant failed to preserve this issue for appeal because he did not object to the scoring of the sentencing guidelines at or before sentencing or as soon as it could reasonably have been discovered. MCR 6.429(C). In any event, where, as here, the sentence is not disproportionate, an error in the calculation of the guidelines variables provides no basis for relief on appeal. *People v Raby*, 456 Mich 487, 496; 572 NW2d 644 (1998).

Affirmed.

/s/ Richard A. Bandstra
/s/ Kurtis T. Wilder
/s/ Jeffrey G. Collins