

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

CHARLES STINSON, JR.,

Defendant-Appellant.

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UNPUBLISHED

December 26, 2000

No. 217343

Wayne Circuit Court

LC No. 98-008202

Before: McDonald, P.J., and Neff and Fitzgerald, JJ.

PER CURIAM.

Defendant was charged with breaking and entering a building with intent to commit larceny. MCL 750.110; MSA 28.305. Following a bench trial, the trial court stated that it found defendant guilty of “Attempt[ed] Breaking and Entering.” MCL 750.92; MSA 28.287. Defendant was subsequently sentenced as a second habitual offender, MCL 769.10; MSA 28.1082, to a term of 1-1/2 to 5 years’ imprisonment. He appeals as of right. We affirm.

Initially, we are satisfied that the evidence at trial, viewed in a light most favorable to the prosecution, was sufficient to enable a rational trier of fact to find beyond a reasonable doubt that defendant acted with the intent to commit a larceny. *People v Petrella*, 424 Mich 221, 268-270; 380 NW2d 11 (1985). Intent may reasonably be inferred from the circumstances surrounding a breaking and entering, including the nature, time, and place of the defendant’s acts. *People v Uhl*, 169 Mich App 217, 220; 425 NW2d 519 (1988).

Defendant argues that, while the court found him guilty of attempted breaking and entering, it did not find that he acted with the intent to commit a larceny and, therefore, found him guilty only of a lesser misdemeanor offense, not a felony. Accordingly, he contends that the trial court violated his double jeopardy rights when it subsequently imposed a felony sentence. See *People v Head*, 211 Mich App 205, 212; 535 NW2d 563 (1995); *People v Booker*, 208 Mich App 163, 173; 527 NW2d 42 (1994). We disagree.

A trial court’s findings of fact are acceptable if it appears that the court was aware of the issues and correctly applied the law. *People v Reeves*, 222 Mich App 32, 35; 564 NW2d 476 (1997), rev’d on other grounds 458 Mich 236; 580 NW2d 433 (1998). Here, it is apparent from the trial court’s decision that the court was aware that intent was an issue in the case and resolved this issue against defendant.

A trial court's findings must be reviewed in the context of the specific legal and factual issues raised by the parties and the evidence. *People v Rushlow*, 179 Mich App 172, 177; 445 NW2d 222 (1989), *aff'd* 437 Mich 149 (1991). The court's verdict immediately followed and corresponds with the prosecutor's rebuttal argument concerning the specific evidence that established the intent element. It is manifest from the court's statement of findings that the court concurred with the prosecution.

Our conclusion is further supported by the fact that defendant expressed no objection when the court sentenced him for the felony offense of attempted breaking and entering with intent to commit larceny, MCL 750.92; MSA 28.287, MCL 750.110; MSA 28.305. Moreover, the trial court's judgment of sentence expressly stated that defendant was convicted of the felony offense. It is well settled that a trial court speaks through its written orders. *People v Davie (After Remand)*, 225 Mich App 592, 600; 571 NW2d 229 (1997).

Affirmed.

/s/ Gary R. McDonald  
/s/ Janet T. Neff  
/s/ E. Thomas Fitzgerald