

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ROLAND HALSELL,

Defendant-Appellant.

UNPUBLISHED

December 28, 2001

No. 227340

Wayne Circuit Court

LC No. 99-010130

Before: K.F. Kelly, P.J., and Hood and Doctoroff, JJ.

MEMORANDUM.

Defendant was convicted by a jury of larceny from a person, MCL 750.357, and sentenced to two years' probation. He appeals as of right. We affirm, but remand for correction of the judgment of sentence.

Defendant claims that the evidence was insufficient to support his conviction of larceny from a person. Specifically, defendant claims that the evidence failed to prove that he took property from the victim. We disagree.

The elements of larceny from a person are (1) an actual or constructive taking of goods or property, (2) a carrying away or asportation, (3) the carrying away was with felonious intent, (4) the subject matter was the goods or personal property of another, and (5) the taking was without the consent or against the will of the owner. *People v Ainsworth*, 197 Mich App 321, 324; 495 NW2d 177 (1992). Felonious intent means the intent to permanently deprive the owners of his or her property. *People v Cain*, 238 Mich App 95, 119; 605 NW2d 28 (1999).

The evidence, viewed in a light most favorable to the prosecution, *People v Nowack*, 462 Mich 392, 399; 614 NW2d 78 (2000), indicated that Alfreda Edwards' camera was forcibly taken from her by defendant and his father, codefendant Roosevelt Halsell. Although it was codefendant Roosevelt Halsell who initially took the camera from Edwards' possession, defendant then took the camera from codefendant Roosevelt Halsell, removed and destroyed the film, and refused to return the camera to Edwards. This evidence supports a finding that defendant either took the camera and film from Edwards or assisted codefendant Roosevelt Halsell in taking it from her, in other words, that he aided and abetted the crime. Therefore, there was sufficient evidence to sustain defendant's conviction of larceny from a person.

To the extent defendant asks us to determine the credibility of the witnesses, this is the exclusive task of the trier of fact. *People v Cain*, 238 Mich App 95, 119; 605 NW2d 28 (1999). When analyzing a challenge to the sufficiency of the evidence, this Court merely determines whether there was sufficient evidence to prove each element of the offense beyond a reasonable doubt. *Id.* at 119-120. Moreover, with regard to defendant's claim that he could not be convicted as an aider and abettor because he was only charged as a principal, this claim is without merit. A defendant may be charged as a principal but convicted as an aider and abettor. *People v Clark*, 57 Mich App 339, 344; 225 NW2d 758 (1975).

Although defendant was sentenced to two years' probation, we note that the judgment of sentence, entered on March 9, 2000, erroneously indicates that he was sentenced to three years' probation. Although defendant does not raise this discrepancy on appeal, we remand this matter for the ministerial purpose of correcting the judgment of sentence to reflect defendant's actual sentence of two years' probation. MCR 6.435(A); MCR 7.216(A)(7).

Affirmed, but remanded for correction of the judgment of sentence. We do not retain jurisdiction.

/s/ Kirsten Frank Kelly
/s/ Harold Hood
/s/ Martin M. Doctoroff