

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

RONNIE KENDALL,

Defendant-Appellant.

UNPUBLISHED

March 15, 2002

No. 230523

Wayne Circuit Court

LC No. 00-005145

Before: Bandstra, P.J., and Murphy and Murray, JJ.

MEMORANDUM.

Following a bench trial, defendant was convicted of attempted false reporting of a felony, MCL 750.411a(1)(b) and MCL 750.92, and sentenced to three years' probation. Defendant appeals as of right. We affirm.

The sole issue raised by defendant on appeal is that there was insufficient evidence to support his conviction. Defendant points out that the falsity of the report is an element of the offense of making a false felony report, and he concludes that evidence of that element was lacking because under the corpus delicti rule the prosecution could not use defendant's statement to the police to establish it.

We reject defendant's reasoning for two reasons. First, the corpus delicti rule concerns the admissibility of evidence rather than its sufficiency. *People v Konrad*, 449 Mich 263, 269; 536 NW2d 517 (1995). Second, although older cases suggest that the rule requires proof of each element of the crime charged before a confession may be admitted in evidence, see, e.g., *People v Allen*, 390 Mich 383; 212 NW2d 21 (1973), *People v Lay*, 336 Mich 77, 82; 57 NW2d 453 (1953), more recent cases make it clear that the rule does not require proof of each element of the charged offense. Rather, the rule provides that a defendant's confession may not be admitted unless there is direct or circumstantial evidence independent of the confession establishing (1) the occurrence of an injury and (2) some criminal agency as the source of the injury. *Konrad*, *supra* at 269-270; *People v McMahan*, 451 Mich 543, 549; 548 NW2d 199 (1996). Here, independent of defendant's statement, there was evidence that an officer unnecessarily investigated defendant's claim that his vehicle was taken from him at gun point when, in fact, it had been impounded by the police. This established an injury, wasted police resources, caused by the report of a manufactured crime. The requirements of the corpus delicti rule were met.

When reviewing a challenge to the sufficiency of the evidence in a bench trial, this Court views the evidence in the light most favorable to the prosecution to determine whether a rational trier of fact could find that the essential elements of the crime were proven beyond a reasonable doubt. *People v Petrella*, 424 Mich 221, 268-269; 380 NW2d 11 (1985); *People v Nunez*, 242 Mich App 610, 615; 619 NW2d 550 (2000). The elements of making a false report of a felony are (1) the making of a report, (2) the falsity of the report, and (3) knowledge of the falsity of the report at the time it was made. *Lay, supra* at 82. Here, viewed in a light most favorable to the prosecution, the evidence established that defendant told the police that his vehicle had been carjacked and he had been kidnapped, knowing that neither crime had been committed. Instead, he left his vehicle, hid in a vacant building, and subsequently discovered that the vehicle was removed while he was hiding. This evidence was sufficient to sustain defendant's conviction.

We affirm.

/s/ Richard A. Bandstra

/s/ William B. Murphy

/s/ Christopher M. Murray