STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN, Plaintiff-Appellee,	UNPUBLISHED November 30, 2004
v	No. 249059 Tuscola Circuit Court
STEVEN RAY JEFFRIES, Defendant-Appellant.	LC No. 02-008365-FH

Before: Meter, P.J., and Wilder and Schuette, JJ.

PER CURIAM.

Defendant appeals as of right from his conviction by a jury of receiving and concealing stolen property with a value of $1,000 or more, but less than $20,000, MCL 750.535(3)(a), and possession of a snowmobile with an altered vehicle identification number (VIN), MCL 324.82116. We affirm. This appeal is being decided without oral argument under MCR 7.214(E).

Defendant first argues that there was insufficient evidence that he knew the snowmobile at issue was stolen to support his conviction of receiving and concealing stolen property. We disagree. In reviewing the sufficiency of the evidence to support a conviction, the evidence is taken in the light most favorable to the prosecution to decide whether a rational factfinder could find the defendant guilty beyond a reasonable doubt. *People v Hardiman*, 466 Mich 417, 420-421; 646 NW2d 158 (2002). Accordingly, in assessing the sufficiency of the evidence, all conflicts in the testimony must be resolved in favor of the prosecution. *People v Terry*, 224 Mich App 447, 452; 569 NW2d 447 (1997).

Receiving and concealing stolen property with a value of $1,000 or more, but less than $20,000, consists of (1) property having been stolen, (2) the value of the property meeting the statutory requirement, (3) the defendant having received, possessed, or concealed the property with knowledge that the property was stolen, (4) the identity of the property as being that previously stolen, and (5) the guilty actual or constructive knowledge of the defendant that the property received or concealed was stolen. *People v Pratt*, 254 Mich App 425, 427; 656 NW2d 866 (2002). Defendant's argument implicates only the requirement of the third and fifth elements that he had guilty knowledge that the snowmobile was stolen.

Even in a case based on circumstantial evidence, the prosecution does not need to negate every reasonable theory consistent with the defendant's innocence but needs only to introduce

sufficient evidence to convince a reasonable jury to convict in the face of whatever contradictory evidence the defendant may provide. *Hardiman, supra* at 423-424. Also, minimal circumstantial evidence is sufficient to prove an actor's intent. *People v Guthrie,* 262 Mich App 416, 419; 686 NW2d 767 (2004).

The evidence at trial indicated that paperwork from the Secretary of State reflected that defendant bought the snowmobile at issue for only $500, but an expert estimated its value to be in the range of $3,500 to $5,000; this in itself is some evidence in support of a finding that defendant had guilty knowledge with regard to the snowmobile having been stolen. See *People v Salata,* 79 Mich App 415, 421-422; 262 NW2d 844 (1977). Further, Detective Allan Ogg testified that defendant recounted a version of events in which he bought the snowmobile from an unknown man in the Flint area for $1,600, but the Secretary of State paperwork and testimony indicated that defendant bought the snowmobile from Jennifer Ireland. This evidence that defendant lied to a police detective about the circumstances in which he bought the snowmobile and the price that he paid for it was significant evidence of consciousness of guilt, i.e., it implied that defendant was attempting to provide a false version of events to avoid discovery of the fact that he bought the snowmobile with guilty knowledge of it being stolen property. Accordingly, the prosecution presented more than the minimal circumstantial evidence necessary to support a finding that defendant had knowledge that the snowmobile was stolen. Defendant has not established that there was insufficient evidence to support his conviction.

We note that, contrary to defendant's indication, this case is not reasonably analogous to *Salata, supra.* In *Salata,* an insurance company paid $9,500 to the owner for the loss of a car stolen in September 1974. *Id.* at 418. The defendant testified that he bought the car in March 1975 for $6,200. *Id.* In concluding that there was insufficient evidence that the defendant had guilty knowledge that the car was stolen, this Court indicated that evidence that "defendant paid two-thirds the amount paid by the insurance company and 90% of the price recovered upon resale of the car, which price was obtained after substantial repairs by defendant" was insufficient to establish guilty knowledge. *Id.* at 423. In contrast to *Salata,* there was evidence in the present case that defendant paid only $500 for a snowmobile that had a market value as much as seven times that amount. Further, in the present case, there is direct evidence that the defendant provided a false version of events to the police regarding the circumstances under which he bought the vehicle.

Defendant next argues that his conviction of possession of a snowmobile with an altered VIN should be reversed because the trial court's instruction to the jury regarding the elements of that crime did not require a finding that defendant knew the VIN on the snowmobile had been altered. We disagree because defendant has waived this issue. In *People v Lueth,* 253 Mich App 670, 688; 660 NW2d 322 (2002), the defendant advanced two alleged errors in the jury instructions. However, defense counsel in that case had replied, "No, your Honor," when the trial court asked if the parties had any objections to the jury instructions as read. *Id.* This Court held, "By expressly approving the instructions, defendant has waived this issue on appeal." *Id.* The present case is substantively identical with *Lueth* with regard to defendant's approval of the jury instructions. The trial court asked if there were "any objections or additional request to, or anything on the instructions by the prosecution or defense," and defense counsel replied, "No your Honor." This reply by defense counsel constituted an express approval of the jury instructions that waives the claim of instructional error.

Finally, defendant argues that he was prejudiced by the admission of irrelevant and unfairly prejudicial evidence regarding a house robbery and stolen trailer, neither of which were connected to him. We conclude that defendant is not entitled to relief based on this issue.

While defendant refers briefly to the constitutional right to a fair trial and states that improper evidentiary rulings may deprive an accused of state and federal due process rights, his substantive argument is framed in terms of MRE 401 and 403 without further development of an argument that this issue involves any constitutional violation. Thus, defendant has abandoned any claim of constitutional error regarding this issue by failing to meaningfully argue its merits. See *People v Harris*, 261 Mich App 44, 50; 680 NW2d 17 (2004). Accordingly, we treat this issue as involving merely claims of nonconstitutional error in the admission of evidence.

Defendant is not entitled to relief based on any possible nonconstitutional error with regard to the testimony concerning the house robbery. In addition to the trial court's instructing the jury that there was no evidence or charge that defendant was involved in the house robbery, the detective's testimony made clear that defendant was merely connected in some way to the victims of the house robbery and that he did not believe defendant was guilty of any wrongful conduct in connection with the house robbery. With these strong indications to the jury that defendant had no involvement in the house robbery, it is improbable that the brief testimony about the house robbery affected the outcome of the trial. See *People v Whittaker*, 465 Mich 422, 426; 635 NW2d 687 (2001).

Defendant's argument that the testimony about the trailer was irrelevant is not preserved because defendant's objection to this testimony below was predicated only on hearsay grounds. An objection to trial testimony on one ground does not preserve an appellate attack based on a different ground. *People v Bulmer*, 256 Mich App 33, 34-35; 662 NW2d 117 (2003). Accordingly, relief is unavailable with regard to this unpreserved matter unless defendant shows plain error that affected his substantial rights. *Id.* at 35. It is not plain that the testimony about the trailer being stolen was irrelevant. Rather, that testimony provided a context for explaining why the police investigated the trailer and its contents, which included the snowmobile at issue, and had contact with defendant regarding the matter. The testimony concerning the trailer was relevant to provide a context for, and thereby support the credibility of, the testimony of Detective Ogg regarding his conversation with defendant about the snowmobile, which was important given defendant's apparently false description to the detective of the circumstances under which he bought the snowmobile.

Affirmed.

/s/ Patrick M. Meter
/s/ Kurtis T. Wilder
/s/ Bill Schuette