STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN, Plaintiff-Appellee,	UNPUBLISHED March 12, 2009
v	No. 281605 Oakland Circuit Court
MARION MCNEAL, Defendant-Appellant.	LC No. 2007-215583-FH

Before: Murray, P.J., and Gleicher and M. J. Kelly, JJ.

PER CURIAM.

Defendant appeals as of right his jury trial conviction of larceny from a motor vehicle, MCL 750.356a(1). The trial court sentenced defendant as a fourth habitual offender, MCL 769.12, to 2 to 15 years' imprisonment. Because we conclude that there were no errors warranting relief, we affirm.

Defendant first argues that the trial court erred when it determined that the electric table saws taken from the victim's trailer were electronic devices within the meaning of MCL 750.356a(1). Statutory interpretation is a question of law that this Court reviews de novo on appeal. *People v Brown*, 279 Mich App 116, 138; 755 NW2d 664 (2008).

Defendant argues that the phrase "electronic device" in the statute is limited by the preceding terms under the doctrine of *ejusdem generis*. He argues that when general words follow a designation of particular subjects, the meaning of the general words will be construed and restricted by the particular, and that table saws do not fit within the list that precedes "other electronic device." Specifically, defendant points out that the statute prohibits the taking of items from an automobile, including tires, airbags, wheels, and stereos, but that—unlike those items—table saws are not items closely related with an automobile. Finally, defendant contends that when looking at the dictionary definition of electronic, common sense dictates that the statutory phrase was not intended to encompass *every* device that uses electricity.

The primary goal in construing a statute is "to ascertain and give effect to the intent of the Legislature." *People v Pasha*, 466 Mich 378, 382; 645 NW2d 275 (2002). To achieve this goal, the Court must begin by examining the plain language of the statute. *Id.* If the language of the statute is clear and unambiguous, it is assumed that the Legislature intended its plain meaning and the statute is enforced as written. *People v Stone*, 463 Mich 558, 562; 621 NW2d 702 (2001).

Under MCL 750.356a(1), a person who commits larceny by "stealing or unlawfully removing or taking any wheel, tire, air bag, radio, stereo, clock, telephone, computer, or other electronic device in or on any motor vehicle, house trailer, trailer, or semitrailer is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $10,000.00, or both."[1] Because the statute does not define the phrase "electronic device," we may use a dictionary to construe that phrase "in accordance with [its] ordinary and generally accepted meaning[]." *People v Morey*, 461 Mich 325, 330; 603 NW2d 250 (1999). A device is "a thing made for a particular purpose, esp. a mechanical, electric, or electronic invention or contrivance." *Random House Webster's College Dictionary* (1997). Because a device can be mechanical or electric, the use of the term "electronic" to modify "device" clarifies that the device must operate with electricity. Hence, the statute plainly applies to any thing made for a particular purpose that is powered by electricity.

There is no dispute that each of the stolen table saws had to be plugged into an electrical outlet in order to function. Therefore, they are by definition electronic. Additionally, there is no dispute that the table saws are devices: they were made for the particular purpose of cutting. Therefore, the trial court did not err when it concluded that the table saws were electronic devices.

Moreover, we do not agree with defendant's suggestion that, under the doctrine of *ejusdem generis*, only items closely associated with a motor vehicle fall within the language of the statute. Defendant's argument that the statute is only meant to prohibit the taking of items closely associated with an automobile is misguided because the list before the phrase "other electronic device" includes items that are not closely associated with automobiles, such as telephones and computers. For example, a plain reading of the statute shows that a portable cell phone or a laptop computer would still fall under the purview of the statute even though they would not be closely associated with an automobile. Under defendant's interpretation these items could not qualify because they would not be closely associated with an automobile. Additionally, because the statute specifically prohibits larceny of these types of items from house trailers, trailers, or semitrailers, the Legislature clearly intended the scope of the statute to encompass more than just protecting items typically associated with automobiles. Indeed, given that the statute applies to larcenies from a house trailer, which could contain the full panoply of household electronic devices, we conclude that the phrase "other electronic device" was intended to include any device powered by electricity—including power tools.

The trial court did not err in determining that electric table saws constituted electronic devices under the statute.

Next, defendant argues that there was insufficient evidence to support his conviction because the prosecution could not establish the fair market value of the saws through the complainant's testimony about the purchase price. However, as defendant concedes on appeal, the prosecution was not required to prove the value of the saws in order to establish the elements of the crime. See MCL 750.356a(1) and *People v Cain*, 238 Mich App 95, 120; 605 NW2d 28

[1] 2008 PA 475 added catalytic converters to the list of items, effective April 1, 2009.

(1999) (noting the elements of larceny). Hence, this argument is without merit. Further, to the extent that defendant's claim could be read as a general challenge to the sufficiency of the evidence, after examining the record, we conclude that there was sufficient evidence for a rational trier of fact to find the essential elements of the crime. *People v Cline*, 276 Mich App 634, 642; 741 NW2d 563 (2007). Finally, to the extent that defendant claims that the trial court erred when it permitted the admission of the valuation testimony and that its admission prejudiced him, we conclude that the evidence was admissible and, even if it were not, any error in its admission was harmless. See *People v Carines*, 460 Mich 750, 774; 597 NW2d 130 (1999).

Affirmed.

/s/ Christopher M. Murray
/s/ Elizabeth L. Gleicher
/s/ Michael J. Kelly