

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

PAUL ANTHONY DETTLOFF, JR.,

Defendant-Appellant.

UNPUBLISHED

November 10, 2009

No. 287935

Macomb Circuit Court

LC No. 2008-000716-FH

Before: Stephens, P.J., and Cavanagh and Owens, JJ.

PER CURIAM.

Defendant appeals as of right his jury trial conviction for larceny in a building, MCL 750.360. Defendant was sentenced to 18 months' probation and 25 hours' community service. This appeal has been decided without oral argument pursuant to MCR 7.214(E). We affirm.

Defendant argues that there was insufficient evidence to prove beyond a reasonable doubt that he: 1) carried away the property of K & E Electric with a felonious intent; and, 2) took the property without the consent, and against the will, of the owner of the property, both of which are elements of the crime for which he was convicted. MCL 750.360. We disagree.

We review claims of insufficiency of evidence de novo. *People v Hawkins*, 245 Mich App 439, 457; 628 NW2d 105 (2001). The evidence must be viewed in a light most favorable to the prosecution to determine "whether a rational trier of fact could find the defendant guilty beyond a reasonable doubt." *People v Hardiman*, 466 Mich 417, 421; 646 NW2d 158 (2002). This Court will not interfere with the factfinder's role of determining the weight of evidence or the credibility of witnesses, *People v Wolfe*, 440 Mich 508, 514; 489 NW2d 748 (1992), amended 441 Mich 1201 (1992), and, any conflict in the evidence must be decided in favor of the prosecution. *People v Harrison*, 283 Mich App 374, 378; 768 NW2d 98 (2009). The elements of a crime may be proven by circumstantial evidence and reasonable inferences drawn from that evidence. *People v Carines*, 460 Mich 750, 757; 597 NW2d 130 (1999). A defendant's intent may be proven by minimal circumstantial evidence. *People v Kanaan*, 278 Mich App 594, 622; 751 NW2d 57 (2008).

The evidence was sufficient to prove to a rational trier of fact that defendant took K & E's property with felonious intent. Only minimal circumstantial evidence is necessary to prove the element of intent. *Id.* The prosecutor presented testimony that the defendant entered the building after hours, that the surveillance camera was rewound contemporaneously with his

presence in the building, and that neither the computer nor the peg board provided any evidence of defendant's use of the company's "fill and hold" procedure. While defendant offered an innocent explanation of events leading to his arrest, conflicts in testimony are resolved in favor of the prosecution in deciding an issue of sufficiency. *Harrison, supra* at 378. The evidence was sufficient to enable a rational trier of fact to find beyond a reasonable doubt that defendant took the property with felonious intent.

The evidence was also sufficient to prove that defendant took the property without the consent, and against the will, of the owner. Both an owner of K & E and defendant's supervisor testified that they had not given defendant permission to take the property and that he did not follow the K & E "fill and hold" procedure. While defendant testified that he properly followed procedure to take the property two weeks before his arrest, this Court should not interfere with the jury's credibility determinations. *Wolfe, supra* at 514. The evidence was sufficient to enable a rational trier of fact to find beyond a reasonable doubt that defendant took the property without the consent and against the will of the owner.

Affirmed.

/s/ Cynthia Diane Stephens
/s/ Mark J. Cavanagh
/s/ Donald S. Owens