

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

NATAN TEKLE GEBREMARIAM,

Defendant-Appellant.

UNPUBLISHED

April 20, 2010

No. 288215

Kent Circuit Court

LC No. 07-012884-FH

Before: DONOFRIO, P.J., and METER and MURRAY, JJ.

METER, J. (*concurring in part and dissenting in part*).

I agree with the majority's conclusion that the prosecutor presented sufficient evidence to support defendant's conviction for carrying a concealed weapon. However, I disagree with the majority's analysis concerning the receiving-or-concealing conviction. I would affirm this conviction, because I believe the prosecutor presented sufficient evidence that defendant knew the gun in question was stolen.

As stated in *People v Westerfield*, 71 Mich App 618, 621; 248 NW2d 641 (1976), a receiving-or-concealing-stolen-property case:

Guilty knowledge, as with most states of mind, cannot generally be proved by direct evidence absent admission by the defendant. By the very nature of the element, it must usually be inferred from all of the various circumstances of the case.

One factor in assessing whether guilty knowledge existed in a receiving-or-concealing case is whether the defendant possessed the article shortly after it was stolen. *People v Salata*, 79 Mich App 415, 421; 262 NW2d 844 (1977). While this factor *alone* cannot support a conviction, see *People v White*, 22 Mich App 65, 68; 176 NW2d 723 (1970), it can be coupled with other evidence, such as a defendant's false statements, to sustain a conviction, *People v Staples*, 68 Mich App 220, 223; 242 NW2d 74 (1976).

Here, the gun in question was recently stolen, and defendant, as noted by the majority, had possession of it. Moreover, defendant fled from the police and then lied about having done so. Defendant also made statements to the police trying to dissociate himself from the gun. This evidence, viewed as a whole, was sufficient to allow the jury to infer guilty knowledge. Some of

this evidence supported the carrying-a-concealed-weapon conviction, but I also believe that it properly supported the receiving-or-concealing conviction.

I would affirm this case in its entirety.

/s/ Patrick M. Meter