

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

VINCE LACORO RAMBUS,

Defendant-Appellant.

UNPUBLISHED

July 20, 2010

No. 291860

Macomb Circuit Court

LC No. 2008-003130-FH

Before: HOEKSTRA, P.J., and JANSEN and BECKERING, JJ.

PER CURIAM.

Defendant appeals by right his jury-trial convictions of receiving or concealing a stolen motor vehicle, MCL 750.535(7), concealing or misrepresenting the identity of a motor vehicle with intent to mislead, MCL 750.415(2), possession of a stolen motor vehicle with intent to pass false title, MCL 257.254, and false report of a felony, MCL 750.411a(1)(b). He was sentenced as a fourth habitual offender, MCL 769.12, to nine months to fifteen years in prison. We affirm. This appeal has been decided without oral argument. MCR 7.214(E).

Defendant argues that there was insufficient evidence to support his convictions. Among other things, he claims that his failure to alter the appearance of the vehicle was proof that he did not know the car was stolen. We disagree.

We review the evidence in a light most favorable to the prosecution to determine whether any rational trier of fact could have found that the elements of the charged offense were proven beyond a reasonable doubt. *People v Lundy*, 467 Mich 254, 257; 650 NW2d 332 (2002); *People v Wolfe*, 440 Mich 508, 513-515; 489 NW2d 748, amended 441 Mich 1201 (1992).

The elements of receiving or concealing a stolen motor vehicle are (1) that the motor vehicle was stolen, (2) that the defendant bought, received, concealed, possessed, or aided the concealment of the vehicle, (3) that the vehicle is identified as the vehicle previously stolen, and (4) that the defendant had knowledge of the stolen nature of the vehicle at some time during his wrongful course of conduct. MCL 750.535(7); *People v Allay*, 171 Mich App 602, 608; 430 NW2d 794 (1988). Direct evidence of guilty knowledge is rarely available, and such knowledge must therefore generally be inferred from the surrounding circumstances. *People v Salata*, 79 Mich App 415, 421; 262 NW2d 844 (1977). Knowledge concerning the status of a stolen item encompasses not only actual knowledge, but constructive knowledge, through notice of facts and circumstances from which guilty knowledge may fairly be inferred. *People v Wilbert*, 105 Mich

App 631, 636-637; 307 NW2d 388 (1981). “Factors which have been held to support the inference of guilty knowledge include: (1) the defendant’s possession of the stolen article shortly after it was stolen, (2) change in the condition of the stolen article, (3) alteration of identifying marks, serial numbers, or registration, (4) a purchase price out of line with the article’s value, and (5) lack of any reasonable explanation from the defendant for his possession of the item.” *Salata*, 79 Mich App at 421-422. Because of the difficulty of proving an actor’s state of mind, minimal circumstantial evidence is sufficient. See *People v Unger*, 278 Mich App 210, 223; 749 NW2d 272 (2008).

A jury may infer guilty knowledge when the defendant is in possession of a motor vehicle with readily detectable damage to the ignition switch. See *People v Biondo*, 89 Mich App 96, 98; 279 NW2d 330 (1979). As in *Biondo*, it was readily apparent that the steering column in the instant case had been tampered with or altered. In addition, the passenger side door lock was punched out and apparently pried off, as was the trunk lock. While the car’s exterior appearance was not fully altered, defendant lied to a police detective when he claimed to have painted the car after purchasing it. It is within the province of the jury to assess the credibility of the witnesses and to determine the weight to be accorded to the evidence. Any conflicts in the evidence must be resolved in favor of the prosecution. *People v McGhee*, 268 Mich App 600, 624; 709 NW2d 595 (2005). We conclude that, when viewed in a light most favorable to the prosecution, the circumstantial evidence was sufficient to permit a rational jury to find beyond a reasonable doubt that defendant knew the vehicle was stolen. See *Salata*, 79 Mich App at 421-422. It is well settled that “[c]ircumstantial evidence and reasonable inferences drawn from it may be sufficient to prove the elements of the crime.” *People v Wilkens*, 267 Mich App 728, 738; 705 NW2d 728 (2005).

There was also sufficient evidence to support defendant’s remaining convictions. The elements of concealing or misrepresenting the identity of a motor vehicle with intent to mislead are (1) that the motor vehicle serial number or the engine number was either concealed or misrepresented, (2) that the concealment or misrepresentation was either effectuated by actually altering or replacing the VIN itself, or by altering or replacing the part of the motor vehicle bearing the VIN, and (3) that the alteration or replacement was done with the specific intent to conceal or misrepresent the identity of the motor vehicle. MCL 750.415(2); see also *People v Venticinque*, 459 Mich 90, 94-95; 586 NW2d 732 (1998).

The elements of possession of a stolen motor vehicle with intent to pass false title are (1) possession of a stolen vehicle, (2) knowledge that the vehicle is stolen, (3) intent to fraudulently transfer title or participate in such transfer, and (4) that the transferee is not an officer of the law engaged at the time in the performance of his duty. MCL 257.254; *People v Eroh*, 47 Mich App 669, 673; 209 NW2d 832 (1973).

The elements of the crime of false report of a felony are (1) that the defendant made a fictitious report of a felony, and (2) that the defendant intended to do so. MCL 750.411a(1)(b). A defendant’s act of making a false report of a felony to a police officer with knowledge that the report is false is sufficient to violate the statute. See *People v Lay*, 336 Mich 77, 82; 57 NW2d 453 (1953).

Defendant claims that the prosecutor failed to present evidence of knowledge or intent with regard to the charged crimes. Again, we note that guilty knowledge can be inferred from

the circumstances surrounding the case. *Wilbert*, 105 Mich App at 637; see also *Salata*, 79 Mich App at 421. There was testimony establishing that the ID sticker on the vehicle's inside door jamb was gone and that the area had been freshly spray-painted. Further, the evidence established that the passenger door lock had been punched out and appeared to have been pried, that the trunk lock was punched out, that the steering column was a different color than the car's interior, that the VIN number had been scratched and appeared to have been tampered with, and that the radio was missing. In addition, although defendant initially told the police detective that he had the car painted since purchasing it, there was evidence that the color of the car was actually original. Finally, the evidence showed that defendant had failed to register the vehicle since allegedly purchasing it in the preceding month. The reasonable inferences arising from this circumstantial evidence, when viewed in a light most favorable to the prosecution, were sufficient to allow a rational jury to conclude beyond a reasonable doubt that defendant knew the vehicle was stolen and that he took steps to conceal this fact. See *Wilkins*, 267 Mich App at 738. The evidence was also sufficient to permit a rational jury to find beyond a reasonable doubt that defendant knew the VIN number had been altered with the intent to misrepresent the identity of the vehicle, and that defendant knowingly filed a false police report when he informed the police that his car had been stolen. The evidence established beyond a reasonable doubt that, in fact, the car had never legally belonged to defendant.

Viewing the evidence in a light most favorable to the prosecution, we conclude that there was sufficient evidence to support all of defendant's convictions in this case. *Wolfe*, 440 Mich at 515.

Affirmed.

/s/ Joel P. Hoekstra
/s/ Kathleen Jansen
/s/ Jane M. Beckering