STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN, Plaintiff-Appellee,	UNPUBLISHED July 5, 2011
v	No. 296620 Wayne Circuit Court
LAMAR ALLEN JONES, Defendant-Appellee.	LC No. 09-000020-FH

Before: BORRELLO, P.J., and JANSEN and SAAD, JJ.

PER CURIAM.

Defendant appeals as of right his bench trial conviction of burning other real property, in violation of MCL 750.73. For the reasons set forth in this opinion, we affirm the conviction and sentence of defendant.

On December 7, 2008, Danny Wade was watching his house from his van when he saw defendant and three to four other men crossing a field and headed toward Wade's home.[1] Wade watched as the men went across the street from his house to that of his son. Wade testified that he saw a man he knew as "Killer" knock on his son's door and when no one answered, he saw "Killer" throw something into the house through the kitchen window. According to Wade, "Killer" then went back to where the other men were gathered. Wade testified that after "Killer" threw something through the kitchen window he saw defendant with a blue torch, which Wade observed defendant light. As Cordero Jones stood next to defendant, Wade testified that defendant ignited a container that Cordero held. Cordero then threw the flaming object into the house with the broken kitchen window. Wade testified that within 30 seconds he observed flames coming from the kitchen window.

Detroit Fire Investigator Dennis Richardson testified that a Molotov cocktail, which he described as a bottle filled with ignitable liquid, may have been used to start the fire. He also testified that when a Molotov cocktail lands, it explodes, explaining the two distinct "flammable

[1] Wade testified that he knew two of the men, defendant and Cordero Jones, because his uncle had raised them.

liquid pattern[s]." Richardson stated that he saw two distinct burn patterns. One burn pattern was observed in the dining area and the other was observed in the living room.

Defendant and Cordero Jones were tried jointly and both found guilty of violating MCL 750.73. This appeal ensued.

On appeal, defendant first argues that the prosecution failed to introduce sufficient evidence to convict him of arson under an aiding and abetting theory. We review de novo claims for insufficient evidence. *People v Lueth*, 253 Mich App 670, 680; 660 NW2d 322 (2002). "[W]hen determining whether sufficient evidence has been presented to sustain a conviction, a court must view the evidence in a light most favorable to the prosecution and determine whether any rational trier of fact could have found the essential elements of the crime were proven beyond a reasonable doubt." *People v Wolfe*, 440 Mich 508, 515; 489 NW2d 748 (1992), amended 441 Mich 1201 (1992).

Willfully or maliciously burning a building or other real property violates MCL 750.73. MCL 750.73 defines burn as "setting fire to, or doing any act which results in the starting of a fire, or aiding, counseling, inducing, persuading or procuring another to do such act or acts." Aiding and abetting has three elements: "(1) the crime charged was committed by the defendant or some other person, (2) the defendant performed acts or gave encouragement that assisted the commission of the crime, and (3) the defendant intended the commission of the crime or had knowledge that the principal intended its commission at the time he gave aid and encouragement." *People v Turner*, 213 Mich App 558, 568; 540 NW2d 728 (1995), overruled in part on other grounds *People v Mass*, 464 Mich 615; 628 NW2d 540 (2001).

Our review of the evidence submitted, when viewed in a light most favorable to the prosecution, leads us to conclude that the prosecution presented legally sufficient evidence to prove beyond a reasonable doubt that defendant committed the charged crime. Defendant arrived at the home with a group of other men. One of the men in the group, "Killer," broke the kitchen window by throwing an object through the window. Defendant ignited the object that Cordero Jones hurled through the broken window. As the home burned, defendant left the scene. In an analogous case, *People v Partridge*, 211 Mich App 239, 240-241; 535 NW2d 251 (1995), this Court found that the defendant discussed burning a house with the principal, accompanied the principal to the house, gave the principal his lighter, and hugged the principal after the fire was set. Based on that evidence, this Court held that the prosecution presented sufficient evidence to convict defendant of aiding and abetting arson. Accordingly, viewing the evidence in the light most favorable to the prosecution, we find that a rational trier of fact could have found that the elements of the crime were proven beyond a reasonable doubt. See, *People v Jaffray*, 445 Mich 287, 296; 519 NW2d 108 (1994).

Next, defendant argues that the trial court's factual findings were incomplete because it failed to mention aiding and abetting. Defendant did not include the issue in his question presented. Consequently, this issue is unpreserved. *People v Brown*, 239 Mich App 735, 748; 610 NW2d 234 (2000). However, the trial court was aware defendant did not personally throw the object, and the trial court need not make specific findings of fact on each element of the crime. *People v Wardlaw*, 190 Mich App 318, 320-321; 475 NW2d 387 (1991). Further, a judge's failure to find the facts does not require remand where it is manifest that he was aware of

the factual issue, that he resolved it and further explanation would not facilitate appellate review. *People v Jackson*, 390 Mich 621, 627 n3; 212 NW2d 918 (1973). See also, *People v Legg*, 197 Mich App 131, 134; 494 NW2d 797 (1992).

Affirmed.

/s/ Stephen L. Borrello
/s/ Kathleen Jansen
/s/ Henry William Saad