

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee

UNPUBLISHED
November 17, 2015

v

DONALD RICHARD QUINN,

Defendant-Appellant.

No. 323731
Oakland Circuit Court
LC No. 2014-249366-FH

Before: SHAPIRO, P.J., and O’CONNELL and GLEICHER, JJ.

PER CURIAM.

A jury convicted defendant of two counts of failure to comply with the Sex Offenders Registration Act (SORA), MCL 28.729(1)(a), for failing to update his employment information. Defendant’s sole contention on appeal—that insufficient evidence supported the willfulness of his violation—lacks merit and we affirm.

I. BACKGROUND

Defendant was convicted of second-degree criminal sexual conduct in 2002. Following his release from prison, defendant was required to register as a sex offender and update his registration information twice a year. Defendant was also required to immediately notify law enforcement of any changes in employment. In addition to the instructions provided upon his release, the Farmington Hills Police Department provided defendant a “DD-4A” form on July 8, 2011, which clearly apprised defendant of his various registration obligations, including the duty to update his employment information. Specifically, the form recited defendant’s duty to provide “[t]he name and address of each of my employers.”

Defendant obtained new employment as a dentist on April 15, 2013, in a Southfield dental office. Yet, during a verification appointment with the Farmington Hills Police Department on July 10, 2013, defendant affirmatively indicated that there were no changes in his registration information. That day, defendant signed a “Registration Information Verification Form” attesting that he had reviewed his registration information and swore to its accuracy. That form included a section entitled “current employer(s)” and listed information for three organizations at which defendant had previously volunteered as a dentist. Defendant did not update this information.

On November 12, 2013, WXYZ news approached defendant at his Southfield office as part of an investigation into sex offenders practicing as healthcare professionals. Defendant registered his employment the next day—approximately seven months after he was hired. Defendant was eventually arrested and tried for his failure to update his employment information in violation of the SORA. A jury convicted defendant as charged and this appeal followed.

II. ANALYSIS

Defendant contends that the prosecution failed to prove beyond a reasonable doubt that he acted “willfully” in violating the SORA. Defendant asserts that he was unaware of the employment registration and update requirements and therefore could not have “willfully” failed to comply.

We review de novo challenges to the sufficiency of the evidence, viewing the evidence in “the light most favorable to the prosecution to determine whether a rational trier of fact could have found the essential elements of the crime . . . proven beyond a reasonable doubt.” *People v Meissner*, 294 Mich App 438, 452; 812 NW2d 37 (2011). In doing so, we must “draw all reasonable inferences and make credibility choices in support of the jury verdict.” *People v Nowack*, 462 Mich 392, 400; 614 NW2d 78 (2000).

MCL 28.729(1) criminalizes the failure to comply with registration requirements under the SORA: “[A]n individual required to be registered under this act who *willfully* violates this act is guilty of a felony. . . .” (Emphasis added.) MCL 28.725(1)(b) requires registrants to keep their employment information current:

(1) An individual required to be registered under this act who is a resident of this state shall report in person and notify the registering authority having jurisdiction where his or her residence or domicile is located *immediately* after any of the following occur:

* * *

(b) The individual changes his or her place of employment, or employment is discontinued. [Emphasis added.]

MCL 28.727(6), in turn, requires registrants to provide accurate and truthful information: “An individual shall not knowingly provide false or misleading information concerning a registration, notice, or verification.”

As noted, defendant’s only challenge on appeal is that the prosecution presented insufficient evidence that he acted *willfully* as required by MCL 28.729(1). This Court has defined “willful” in this provision as “something less than specific intent, but requir[ing] a knowing exercise of choice.” *People v Lockett (On Rehearing)*, 253 Mich App 651, 655; 659 NW2d 681 (2002). As with any offense containing an element of intent, it is difficult to establish the inner workings of the offender’s mind. Accordingly, “minimal circumstantial evidence will suffice to establish the defendant’s state of mind, which can be inferred from all the evidence presented.” *People v Kanaan*, 278 Mich App 594, 622; 751 NW2d 57 (2008).

In *Lockett*, 253 Mich App at 652, the defendant was prosecuted for failing to update his residential address in accordance with the SORA. This Court alluded that the defendant had acted willfully, because his probation officer had verbally informed him that he had to personally register with local law enforcement and yet failed to do so. *Id.* at 655-656. Thus, this Court found that defendant likely acted “purposefully” and “willfully” in the face of actual knowledge of his duty. *Id.* at 656.

In this case, ample circumstantial evidence was presented to permit a rational jury to find beyond a reasonable doubt that defendant acted willfully in failing to update his employment information. First, defendant signed the DD-4A form on July 8, 2011. Defendant placed his initials next to all 15 points signaling that he read and understood each requirement. The duty to provide the “[t]he name and address of each of my employers” was among those points. Ignorance of the law is no defense to its violation, *Cheek v United States*, 498 US 192, 199; 111 S Ct 604; 112 L Ed 2d 617 (1991), especially when the written law is handed to a person who acknowledges its reading with a signature.

Second, defendant demonstrated his awareness of the other information he had to supply biannually and diligently updated that information. Defendant knew that he had to register his home address in addition to his current vehicle information, which he properly did. The logical conclusion is that defendant also knew he had to keep his employment information up-to-date.

Third, defendant had previously registered the addresses of three organizations at which he had volunteered as a dentist under the employment section of the registration form. It is irrational to argue that defendant was unaware of his duty to register his place of employment when he had done so in the past.

Finally, defendant immediately went to the Farmington Hills Police Department to register his new employment the day after he was confronted by WXYZ at his office. When defendant did so, he lied about his start date. Given defendant’s immediate reaction and attempt to cover up his actual start date, the jury could reasonably conclude that defendant knew of his duty all along.

A rational view of the evidence supports that defendant was fully aware of his duty to immediately update his employment information to comply with the SORA. From the evidence, the jury could reasonably infer that defendant willfully failed to update his information after being hired as a dentist in an established dental practice because he had hid his criminal past from his employer or out of fear that his status would scare patients away. The jury found incredible defendant’s contrary explanations and we may not interfere with that assessment. See *People v Unger*, 278 Mich App 210, 222; 749 NW2d 272 (2008).

We affirm.

/s/ Douglas B. Shapiro
/s/ Peter D. O’Connell
/s/ Elizabeth L. Gleicher