

STATE OF MICHIGAN  
COURT OF APPEALS

---

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

UNPUBLISHED  
December 13, 2011

v

MARQUISE LESJUAN HARRIS,  
Defendant-Appellant.

No. 300957  
Kent Circuit Court  
LC No. 10-005462-FC

---

Before: MARKEY, P.J., and FITZGERALD and BORRELLO, JJ.

PER CURIAM.

A jury convicted defendant of armed robbery, MCL 750.529; carrying a concealed weapon, MCL 750.227(2); receiving and concealing a stolen motor vehicle, MCL 750.535(7); carjacking, MCL 750.529a; and possession of a firearm during the commission of a felony, MCL 750.227b. The trial court sentenced defendant to prison terms of 15 to 30 years for armed robbery, two to five years for CCW, two to five years for receiving and concealing a stolen motor vehicle, 15 to 30 years for carjacking, and two years for felony-firearm. Defendant appeals as of right, arguing only that the prosecution failed to provide sufficient identification testimony to establish his identity as a participant in the crimes.<sup>1</sup> We affirm.

This Court reviews a challenge to the sufficiency of the evidence in a jury trial de novo. *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 that the essential elements of the crime were proven beyond a reasonable doubt.” *People v Wolfe*, 440 Mich 508, 515-516; 489 NW2d 748 (1992), amended 441 Mich 1201 (1992).

The element of identity is always an essential element in a criminal prosecution. *People v Oliphant*, 399 Mich 472, 489; 250 NW2d 443 (1976); *People v Yost*, 278 Mich App 341, 356; 749 NW2d 753 (2008). Circumstantial evidence and reasonable inferences arising from that

---

<sup>1</sup> Defendant does not challenge the sufficiency of the evidence supporting the elements of each of the five convictions.

evidence may be sufficient to prove identity. *People v Nelson*, 234 Mich App 454, 459; 594 NW2d 114 (1999).

Viewed in a light most favorable to the prosecution, the evidence was sufficient to allow a jury to find beyond a reasonable doubt that defendant participated in these crimes. The fingerprint found on the handgun left by the perpetrators in the victim's stolen car was conclusively identified as belonging to defendant. A witness testified that defendant's fingerprint was placed on the barrel of the handgun in a manner consistent with use of the gun to pistol-whip a person. The victim was hit with a pistol in the head. The testimony of Chey Harris, a codefendant, which was introduced at trial through his testimony given at defendant's preliminary examination, revealed that two of Chey's siblings were involved in the crimes. The prosecution presented evidence that Chey had three brothers: defendant, Marcellous Bennett, and Jamal Bennett. Jamal could not have participated in the crime because he was in prison. The prosecution also introduced a letter defendant wrote to his mother from jail. The letter instructed her to tell Marcellous not to worry because "[d]ude done got us out that jam, they ain't got no evidence." This letter, combined with Chey's unwillingness to testify against defendant, was sufficient to enable a rational juror to infer that Chey was the "dude" defendant was talking about in his letter. Finally, the prosecution offered evidence that defendant had previously robbed a person delivering food using a similar criminal plan. There was sufficient evidence of defendant's identity to support his convictions.

Affirmed.

/s/ Jane E. Markey  
/s/ E. Thomas Fitzgerald  
/s/ Stephen L. Borrello