

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

UNPUBLISHED
November 26, 2013

v

CURTIS DIONTE COPELAND,

Defendant-Appellant.

No. 311129
Wayne Circuit Court
LC No. 12-000746-FH

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

PER CURIAM.

Defendant appeals as of right his jury trial conviction of receiving and concealing a stolen motor vehicle, MCL 750.535(7). Defendant was sentenced, as a fourth-offense habitual offender, MCL 769.12, to 40 months to 10 years' imprisonment. Because we conclude that there was sufficient evidence to support the jury's verdict finding defendant guilty beyond a reasonable doubt, we affirm.

On appeal, defendant argues that there was insufficient evidence to prove that he knowingly possessed the stolen motor vehicle. Specifically, defendant argues that there was no evidence that he had actual or constructive possession of the vehicle or that he had knowledge that the vehicle was stolen. We disagree.

We review sufficiency of the evidence issues de novo, examining the evidence in a light most favorable to the prosecution, and determine whether a rational trier of fact could have found that every essential element was proven beyond a reasonable doubt. *People v Ericksen*, 288 Mich App 192, 195-196; 793 NW2d 120 (2010). We "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). Circumstantial evidence and the reasonable inferences drawn therefrom may be sufficient to prove the elements of a crime. *People v Gayheart*, 285 Mich App 202, 216; 776 NW2d 330 (2009). It is the role of the finder of fact to make decisions about the credibility of witnesses and the probative value of evidence. *People v Wolfe*, 440 Mich 508, 514-515; 489 NW2d 748 (1992), amended 441 Mich 1201 (1992).

In *People v Allay*, 171 Mich App 602, 608; 430 NW2d 794 (1988), this Court stated:

The essential elements for a conviction pursuant to the receiving and concealing statute require proof (1) that some property was stolen, (2) that the defendant

bought, received, concealed, possessed, or aided the concealment of the same, (3) that the property is identified as property previously stolen, and (4) that the defendant had knowledge of the stolen nature of the property at some time during his wrongful course of conduct.

At trial, the evidence established that a tip received by police regarding the location of several stolen vehicles resulted in the discovery of a stolen black Chevrolet Impala parked in front of a residence at 3950 Joseph Campau in Detroit.¹ Police determined that the black Impala was stolen because the vehicle identification number (VIN) on the black Impala was assigned to a white Impala. A subsequent search of the 3950 Joseph Campau residence revealed the presence of men's clothing and an unusual amount of automobile parts. Tierra Hinton, who had tattoos bearing defendant's name and indicating a romantic relationship, and a small child identified as her son were present during the search. Further, a woman who lived next door to the residence at issue testified that she observed defendant coming and going from the home at least two or three times a week since late 2009, and that she always assumed he lived there. She also testified that she did not start observing Hinton until about a year after she first noticed defendant, and she assumed Hinton was there to visit defendant.

In addition, the prosecution presented the testimony of Rodney Lea, owner of Lea's Auto Body, that he recognized the white Impala, whose VIN was taken and attached to the stolen black Impala, as a vehicle that he bought from a salvage auction in August 2011. In addition, he testified that defendant and Hinton came to his body shop and purchased the white Impala he obtained from the salvage auction. Specifically, he recalled that defendant was the one who actually did all of the talking about the sale of the white Impala and paid him in cash for the Impala, but that the receipt was made out to Hinton. Also, two other employees of the auto body shop from which the white Impala was purchased confirmed that defendant examined the vehicle, negotiated the sale, paid cash for the vehicle, and arranged for the vehicle's transportation.

Viewing this evidence in the light most favorable to the prosecution, we conclude that there was sufficient evidence for a rational trier of fact to conclude that the elements of the charged crime were proved beyond a reasonable doubt. In particular, it is reasonable to infer from the evidence presented at trial that defendant possessed the black Impala and knew that it was stolen.²

¹ We note that defendant does not contest that the black Impala was stolen.

² We note that defendant cites *Gablick v People*, 40 Mich 292 (1879) in support of his argument that the evidence does not support an inference of his possession of the vehicle because others had equal access to the car, which was parked on a public street. However, *Gablick* does not hold that an inference may never arise whenever others have equal access to stolen property, and there was no evidence presented in this case to suggest that any person other than defendant accessed the stolen vehicle.

Affirmed.

/s/ Donald S. Owens

/s/ Joel P. Hoekstra