

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

STEVEN JOHN KNIGHT,

Defendant-Appellant.

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UNPUBLISHED

June 4, 1996

No. 181136

LC No. 94-004663-FH

Before: Neff, P.J., and Jansen and G.C. Steeh III,\* JJ.

PER CURIAM.

Following a jury trial in the Alpena Circuit Court, defendant was convicted of felon in possession of a firearm, MCL 750.224f; MSA 28.421(6). He thereafter pleaded guilty to fourth habitual offense, MCL 769.12; MSA 28.1084. The trial court sentenced him to six to twenty-five years' imprisonment as a fourth habitual offender. Defendant appeals as of right and we affirm.

Defendant raises only one issue on appeal. He claims that there was insufficient evidence to sustain his conviction of felon in possession of a firearm. When 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 a 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; 489 NW2d 748 (1992), amended 441 Mich 1201 (1992).

In addition to being charged with felon in possession of a firearm, defendant was also charged with breaking and entering an occupied dwelling. Defendant's accomplice, Andrew Zarske, testified as a witness for the prosecution. Mr. Zarske's testimony was the only evidence linking defendant to the breaking and entering offense. However, the jury acquitted defendant of the breaking and entering charge. Defendant contends that the jury obviously did not believe Mr. Zarske's testimony as a result of the acquittal. Further, Mr. Zarske's wife, Laurie Zarske, also testified as a witness for the prosecution. Mrs. Zarske testified that defendant and Mr. Zarske were in the living room (of the

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\* Circuit judge, sitting on the Court of Appeals by assignment.

Zarske's house) with several rifles. She also testified that the rifles were gone after defendant and Mr. Zarske left at the same time. However, she did not testify that she actually saw defendant in possession of the rifles. Defendant contends that because the jury did not accept Mr. Zarske's testimony, and that Mrs. Zarske did not testify that she saw defendant in possession of the rifles, then there was no evidence on which to convict him of felon in possession of a firearm.

We cannot accept defendant's assessment of the evidence. First, the jury was free to believe some of Mr. Zarske's testimony and to not accept other parts of his testimony. *People v Vaughn*, 409 Mich 463, 466; 295 NW2d 354 (1980). Second, juries are permitted to render inconsistent or lenient verdicts. *Id.* Finally, taken in a light most favorable to the prosecution, there was sufficient evidence presented for the jury to convict defendant based on the testimony of Andrew and Laurie Zaske. According to Andrew Zaske, he and defendant broke into the home of James Cagney, took nineteen rifles from the house, put them in defendant's car, took the rifles to Mr. Zarske's house, divided the rifles between the two of them, then sold the rifles, and went back to Mr. Zaske's house. There, the two men got into an argument and Mr. Zarske gave two rifles to defendant. This evidence is sufficient to satisfy the elements of felon in possession of a firearm beyond a reasonable doubt. CJI2d 11.38.

Accordingly, taken in a light most favorable to the prosecution, there was sufficient evidence presented for the jury to find that the elements of felon in possession of a firearm were proven beyond a reasonable doubt.

Affirmed.

/s/ Janet T. Neff  
/s/ Kathleen Jansen  
/s/ George C. Steeh III