

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

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

TRACY STEVENSON,

Defendant-Appellant.

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UNPUBLISHED

June 4, 1996

No. 184279

LC No. 93-20275-FH

Before: O'Connell, P.J., and Gribbs and T. P. Pickard,\* JJ.

MEMORANDUM.

Defendant was convicted of violating the terms of his probation. His probation was revoked and he was sentenced to three to twenty years' imprisonment for his three underlying convictions of arson to a dwelling house. MCL 750.72; MSA 28.267. He now appeals as of right and we affirm.

Defendant argues that the evidence was insufficient to allow the court to conclude that defendant violated the terms of his probation. When reviewing a claim of insufficient evidence following a probation violation hearing, this Court must view the evidence in the light most favorable to the prosecution and determine whether a rational trier of fact could find that the essential elements of the charge were proven by a preponderance of the evidence. *People v Reynolds*, 195 Mich App 182, 184; 489 NW2d 128 (1992). While defendant's testimony and certain other evidence militate against the court's finding, when viewing the evidence in the light most favorable to the prosecution, *Id.*, we find that a preponderance of the evidence supports the court's conclusion that defendant violated the terms of the amended order of probation. Therefore, we find no error in the factual findings of the court.

Affirmed.

/s/ Peter D. O'Connell

/s/ Roman S. Gribbs

/s/ Timothy P. Pickard

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