

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ALLEN JOSEPH PARRISH,

Defendant-Appellant.

UNPUBLISHED
October 22, 1996

No. 169257
LC No. 93-065902-FH

Before: MacKenzie, P.J., and Jansen and T.R. Thomas,* JJ.

PER CURIAM.

Defendant was convicted by a jury of breaking and entering an unoccupied building with intent to commit larceny, MCL 750.110; MSA 28.305, and thereafter pleaded guilty to habitual offender, fourth offense, MCL 769.12; MSA 28.1084. He was sentenced to five to fifteen years' imprisonment, and now appeals as of right. We affirm.

The trial court did not abuse its discretion in refusing to give an instruction on the misdemeanor offense of receiving or concealing stolen property under \$100 because there was not an appropriate relationship between the charged offense and the requested misdemeanor instruction. *People v Stephens*, 416 Mich 252, 262; 330 NW2d 675 (1982).

Next, there was sufficient evidence to permit the jury to find that the essential elements of breaking and entering were proven beyond a reasonable doubt. The evidence showed that defendant did more than merely possess the stolen goods. In addition to being found with the goods, defendant matched the description of the perpetrator of the crime and was found near the crime scene shortly after the crime occurred. This evidence linked defendant to the crime scene, and, therefore, the charge was properly submitted to the jury. *People v Rankin*, 52 Mich App 130; 216 NW2d 620 (1974).

Affirmed.

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

/s/ Barbara B. MacKenzie

/s/ Kathleen Jansen

/s/ Terrence R. Thomas