

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of Temperia Clemons, Minor

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

TEMPERIA CLEMONS a/k/a TEMPRIA
CLEMONS,

Defendant-Appellant.

UNPUBLISHED
October 22, 1996

No. 184265
LC No. 93-309576

Before: Saad, P.J., and Holbrook and G.S. Buth,* JJ.

PER CURIAM.

Following a juvenile court bench trial, defendant was convicted of two counts of retail fraud, MCL 750.356c(1)(b); MSA 25.588(3)(1)(b). She appeals; we affirm.

Defendant's sole argument on appeal is that there was insufficient evidence to support her convictions of retail fraud. We disagree.

In reviewing a bench trial for sufficiency of the evidence, this 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 prosecution established the essential elements of the crime beyond a reasonable doubt. *People v Vaughn*, 186 Mich App 376, 379; 465 NW2d 365 (1990). However, this Court should not interfere with the trier of fact's role of determining the weight or credibility of the evidence. *People v Wolfe*, 449 Mich 508, 514-515; 489 NW2d 748 (1992).

A person is guilty of retail fraud in the first degree if that person "steals property of the store that is offered for sale at a price of more than [one hundred dollars]" and if the act is committed "while [the] store is open to the public." MCL 750.356c(1)(b). Conviction on a theory of aiding and abetting the

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

commission of a crime requires proof of the following: (1) that a crime was committed by either the defendant or another person, (2) that the defendant gave encouragement or performed acts which aided or assisted the commission of the crime, and (3) that the defendant intended that the crime be committed or had knowledge that the perpetrator intended to commit the crime at the time when the defendant gave assistance or encouragement. *People v Buck*, 197 Mich App 404, 410; 496 NW2d 321 (1992), modified 444 Mich 853; 508 NW2d 502 (1993). Viewing the evidence most favorably to the prosecution, it was sufficient to support a finding that defendant assisted in selecting and concealing the merchandise that was carried out of the store by her companion. Furthermore, defendant's testimony indicates that she knew that her companion intended to steal the merchandise. Therefore, we conclude that there was sufficient evidence to support the convictions on a theory of aiding and abetting.

Affirmed.

/s/ Henry William Saad

/s/ Donald E. Holbrook, Jr.

/s/ George S. Buth