

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DALRON HARRIS,

Defendant-Appellant.

UNPUBLISHED

January 17, 1997

No. 182879

LC No. 94-007115

Before: Gribbs, P.J., and Saad and J. P. Adair,* JJ.

MEMORANDUM.

Defendant appeals from his bench trial conviction of larceny over \$100, MCL 750.356; MSA 28.588, and his plea of guilty to fourth habitual felony offender, MCL 769.12; MSA 28.1084. We affirm.

We find no merit to defendant's insufficient evidence argument. Viewed in the light most favorable to the prosecution, the complainant's testimony that her twenty-five inch television was worth more than \$100 was sufficient to establish that the value of the property stolen exceeded \$100. Similarly, in light of the evidence in this case, the fact that defendant was found in possession of the stolen television "around the block" from complaint, within minutes after it was reported stolen is sufficient circumstantial evidence that he was the one who stole it. *People v Benevides*, 71 Mich App 168, 174-175; 247 NW2d 341 (1976).

We similarly find no merit to defendant's argument that the trial court improperly "split" defendant's prior convictions for carrying a concealed weapon and for conviction of controlled substances, thereby permitting sentencing as a fourth habitual, rather than a third habitual felon. Defendant did not properly preserve this issue for appeal and therefore, we decline to address it. *People v Stanaway*, 446 Mich 643, 694; 521 NW2d 557 (1994), cert den 513 US ___, 115 S Ct 923, 130 L Ed 2d 802 (1995). In any event, because defendant pleaded guilty to being an habitual fourth offender, the record contains insufficient evidence concerning the prior crimes to permit review of this issue.

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

Affirmed.

/s/ Roman S. Gibbs
/s/ Henry William Saad
/s/ James P. Adair