

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ABSALON LAMAR WHITE,

Defendant-Appellant.

UNPUBLISHED

February 25, 1997

No. 191396

Muskegon Circuit Court

LC No. 95-038323 FH

Before: Bandstra, P.J., and Hoekstra and J.M. Batzer, * JJ.

MEMORANDUM.

Defendant appeals as of right his bench trial conviction of carrying a concealed weapon, MCL 750.227; MSA 28.424. Subsequent to trial, defendant pleaded guilty to a charge of second habitual offender, second offense, MCL 769.10; MSA 28.1082, and was sentenced to 1-1/2 to 7-1/2 years' imprisonment. We affirm.

Defendant argues that there was insufficient evidence to support his conviction, specifically the finding that defendant "carried" a concealed weapon. Defendant contends that evidence that he may have briefly known that a knife was present in the car before he was arrested was insufficient to prove the element of "carrying" a concealed weapon. We disagree.

In a criminal case, due process requires that a prosecutor introduce evidence sufficient to justify a trier of fact in concluding that the defendant is guilty beyond a reasonable doubt. *People v Fisher*, 193 Mich App 284, 287; 483 NW2d 452 (1992). In reviewing a sufficiency of the evidence question, this Court reviews the evidence in a light most favorable to the prosecution to determine whether a rational trier of fact could conclude that the elements of the crime were proven beyond a reasonable doubt. *People v Wolfe*, 440 Mich 508, 515; 489 NW2d 748, amended 441 Mich 1201 (1992). "Inherent in the task of considering the proofs in the light most favorable to the prosecution is the necessity to avoid a weighing of the proofs or a determination whether testimony favorable to the

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

prosecution is to be believed. All such concerns are to be resolved in favor of the prosecution.”
People v Herbert, 444 Mich 466, 474; 511 NW2d 654 (1993).

Here, the prosecution presented evidence that defendant was the sole operator and occupant of the vehicle when he was stopped by the police. The knife was outside of the sheath and located in an accessible and obvious manner inside the vehicle. There was also testimony that defendant had possession of the vehicle and the knife for approximately three hours before he was stopped by the police. We find that the prosecutor introduced sufficient evidence to justify the trier of fact in concluding that defendant was guilty beyond a reasonable doubt.

Affirmed.

/s/ Richard A. Bandstra

/s/ Joel P. Hoekstra

/s/ James M. Batzer