

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

LOUIS ANDERSON,

Defendant-Appellant.

UNPUBLISHED

March 7, 1997

No. 190104

Recorder's Court

LC No. 94-010312-FH

Before: White, P.J., and Cavanagh, and J.B. Bruff,* JJ.

MEMORANDUM.

Defendant appeals by right his bench trial convictions of conspiracy to bribe a public officer, MCL 750.157a; MSA 28.354(1), and bribery of an agent or employee, MCL 750.125; MSA 28.320. We affirm.

Defendant, who was a state police officer prior to his arrest on these charges, contends that he was improperly subjected to prosecution for conspiracy to bribe a public officer because the bribery statute does not apply. The statute, MCL 750.117; MSA 28.312, provides that:

Any person who shall corruptly give, offer or promise to any public officer, agent, servant or employee, after the election or appointment of such public officer, agent, servant or employee and either before or after such public officer, agent, servant or employee shall have been qualified or shall take his seat, any gift, gratuity, money, property or other valuable thing, the intent or purpose of which is to influence the act, vote, opinion, decision or judgment of such public officer, agent, servant or employee, or his action on any matter, question, cause or proceeding, which may be pending or may by law be brought before him in his public capacity, or the purpose and intent of which is to influence any act or omission relating to any public duty of such officer, agent, servant or employee, shall be guilty of a felony.

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

Defendant first contends that the statute does not apply to him because, as a state police officer, he was not a public officer as used in the statute. By its terms, the statute applies to agents and employees as well as elected public officers, and thus defendant was within the class of persons contemplated by the statute.

Defendant also argues that he was not subject to prosecution under the statute because he was the recipient, not the giver of the bribe. A panel of this Court has previously held, however, that a bribe recipient may be prosecuted for conspiracy to bribe, where more than two individuals are involved and the required specific intents are shown. *People v White*, 147 Mich App 31, 41; 383 NW2d 597 (1985). The evidence at trial showed that defendant asked one of the company owners whether another company involved would also contribute to the bribe, and that when the bribe was given to defendant, the company owner who delivered it said, "This is from us." This evidence sufficiently established that a third party was involved in the solicitation and payment of the bribe, and thus defendant was properly convicted of conspiracy to bribe, although he was the recipient of the bribe.

Affirmed.

/s/ Helene N. White
/s/ Mark J. Cavanagh
/s/ John B. Bruff