STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

        Plaintiff-Appellee,

v

SYLVESTER L. WARE,

        Defendant-Appellant.

UNPUBLISHED
May 2, 1997

No. 193874
Recorder's Court
LC No. 95-010370

Before: Holbrook, Jr., P.J., and Fitzgerald and Smolenski, JJ.

MEMORANDUM.

Defendant was convicted in a bench trial of carrying a concealed weapon, MCL 750.227; MSA 28.424, and two counts of assault with a dangerous weapon, MCL 750.82; MSA 28.277. He appeals as of right, challenging the sufficiency of the evidence to convict him of the concealed weapon charge. We affirm.

To be convicted of carrying a concealed weapon, MCL 750.227; MSA 28.424, "[t]he only intent necessary is an intent to do the act prohibited, to knowingly carry the weapon on one's person or in an automobile." *People v Combs*, 160 Mich App 666, 673; 408 NW2d 429 (1987). A concealed weapon need not be totally invisible, but must not be "readily observable by persons in the ordinary and usual associations of life." *People v Jackson*, 43 Mich App 569, 571; 204 NW2d 367 (1972). See also *People v Autry*, 7 Mich App 480, 482; 152 NW2d 55 (1967). Here, two witnesses testified that they saw defendant reach into a black pouch, pull out a handgun, and point the gun at them in an alley. There was also testimony that, after one of the witnesses told a friend to call the police, defendant put the gun back in the black pouch and went into a house, and later returned without the black pouch. The arresting police officer testified that before this incident, he would see defendant on a daily basis and that defendant was known for carrying a black pouch. Accordingly, viewing the evidence in a light most favorable to the prosecution, we conclude that sufficient evidence was presented to permit a rational trier of fact to find beyond a reasonable doubt that defendant carried a concealed weapon. *People v Baker*, 216 Mich App 687, 689; 551 NW2d 195 (1996).

Affirmed.

/s/ Donald E. Holbrook, Jr.
/s/ E. Thomas Fitzgerald
/s/ Michael R. Smolenski