

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

SAMUEL CLARK,

Defendant-Appellant.

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UNPUBLISHED

June 24, 1997

No. 191263

Recorder's Court

LC No. 95-8289 FH

Before: Markman, P.J., and Holbrook, Jr. and O'Connell, JJ.

PER CURIAM.

Defendant appeals as of right his bench trial conviction for entering without breaking with the intent to commit larceny; MCL 750.111; MSA 28.306. Defendant was sentenced to two to five years in prison. We affirm.

Defendant first argues that there was insufficient evidence to establish the essential elements of the crime of entering without breaking with the intent to commit larceny beyond a reasonable doubt. "When reviewing a claim of insufficient evidence following a bench trial, 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 essential elements of the crime were proven beyond a reasonable doubt." *People v Hutner*, 209 Mich App 280, 282; 530 NW2d 174 (1995), citing *People v Petrella*, 424 Mich 221, 268-270; 380 NW2d 11 (1985). To support a conviction for entering without breaking with the intent to commit larceny, the prosecution must prove the following elements: (1) that the defendant entered a building, (2) without breaking, and (3) with the intent to commit a felony or larceny. MCL 750.111; MSA 28.306. It is well established in this jurisdiction that " '[c]ircumstantial evidence and reasonable inferences drawn therefrom may be sufficient to prove the elements of a crime.' " *People v Jolly*, 442 Mich 458, 466; 502 NW2d 177 (1993). "Further, because larceny "is a normal incident to a breaking and entering, and because of the difficulty of proving the actor's state of mind, minimal circumstantial evidence has been found sufficient to sustain the conclusion that the defendant entertained the requisite intent." *People v Palmer*, 42 Mich App 549, 551-552; 202 NW2d 536 (1972).

Viewing the evidence in a light most favorable to the prosecution, we conclude that the prosecution presented sufficient evidence to support defendant's conviction. Shortly after noon, police officers arrived at a warehouse lot in response to a call reporting that an unauthorized and unidentified individual had been seen on the premises. The unidentified individual disappeared before police arrived. The police and lot security supervisor noted a cut chain, which had once secured the gate, and a piece of sheet metal on the west side of the warehouse, bent to allow entrance to the warehouse. The warehouse housed expensive cooling units. Defendant was apprehended inside the warehouse hiding on top of a boiler. Codefendant, the "unidentified individual," was apprehended and arrested exiting the warehouse through the west side panel.

On the east side of the warehouse, a cooling unit of considerable value, ordinarily found within the warehouse, was found on or near a pickup truck, which presence on the premises was also unauthorized. Upon inspection of the truck, the police also seized a pair of bolt cutters and a pry bar from within the vehicle. Prior to the police officers' arrival, a passing pedestrian had informed the security supervisor that two men on the east side of the unsecured warehouse had been trying to load something onto a truck. While being transported to the precinct by the police, defendant told his codefendant not to worry because the authorities would reduce the charges to removing fixtures. Based on this ample evidence, a rational trier of fact could find that the essential elements of the crime of entering without breaking with the intent to commit larceny had been proven beyond a reasonable doubt. *Hutner, supra*, at 282.

Defendant also argues that the trial court's findings of fact did not include a statement of any facts to support an intent to commit a larceny within the building. As stated in *People v Johnson (On Rehearing)*, 208 Mich App 137, 141; 526 NW2d 617 (1994), "[t]he purpose of articulation is to facilitate appellate review." A trial court need not make specific findings regarding each element of a crime where "it is manifest that the court was aware of the factual issues and resolved them and it would not facilitate appellate review to require further explication of the path the court followed in reaching the result." *Id.*, pp 141-142. In the present case, only two witnesses testified at trial and the transcript of the trial was less than fifty pages long. Thus, the path followed by the trial court is clear from the record, and additional articulation is not necessary to allow this Court to conduct an adequate review.

Defendant further argues that the trial court either erroneously admitted a hearsay statement made by defendant to his codefendant. However, defendant failed to preserve this issue for appellate review by failing to raise this issue in his statement of issues presented. *Meagher v McNeely & Lincoln Inc*, 212 Mich App 154, 156; 536 NW2d 851 (1995), citing MCR 7.212(C)(4).

Affirmed.

/s/ Stephen J. Markman  
/s/ Donald E. Holbrook, Jr.  
/s/ Peter D. O'Connell