

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

---

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JASON A. BATTICE,

Defendant-Appellant.

---

UNPUBLISHED

September 19, 1997

No. 196742

Mason Circuit Court

LC No. 95-012294-FH

Before: Markey, P.J., and Neff and Smolenski, JJ.

MEMORANDUM.

Defendant was convicted pursuant to a jury trial of breaking and entering a place of business, MCL 750.110; MSA 28.305, and malicious destruction of property, MCL 750.377a; MSA 28.609(1). On this appeal of right, he contends that the evidence was insufficient to permit a rational trier of fact to find his guilt proved beyond a reasonable doubt. This appeal is being decided without oral argument pursuant to MCR 7.214(E). We affirm.

Defendant concedes that the corpus delicti of the crimes of breaking and entering and malicious destruction of property were established; his only cavil is with the sufficiency of the evidence to establish his participation in these crimes. The sole evidence linking defendant to participation in the crimes was the testimony of the principal perpetrator of the burglary, Louis Metheny. Metheny identified defendant as a confederate and described for the jury defendant's role in the crime. While there may have been ample reason for the jury to discredit this testimony, it was not bound to do so, and it was for the jury to decide the weight and credibility to be accorded that evidence. A rational trier of fact could have found such evidence convincing beyond a reasonable doubt and thereby to have established defendant's guilt of each element of the crimes charged. *People v Wolfe*, 440 Mich 508, 519; 449 NW2d 748, modified 441 Mich 1201 (1992).

Affirmed.

/s/ Jane E. Markey

/s/ Janet T. Neff

/s/ Michael R. Smolenski

