STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MABEL LEE WILLIAMS,

Defendant-Appellant.

UNPUBLISHED
December 2, 1997

No. 199247
Recorder's Court
LC No. 95-012488

Before: Bandstra, P.J., and Cavanagh and Markman, JJ.

MEMORANDUM.

Defendant appeals as of right from a bench trial conviction for false pretenses with intent to defraud an amount greater than $100, MCL 750.218; MSA 28.415, and receiving and concealing stolen property, MCL 750.535(1); MSA 28.803(1). The trial court sentenced defendant to five years' probation and ordered her to pay restitution in the amount of $16,121, plus attorney fees, to be paid pro rata on a monthly basis. We affirm.

In her sole issue on appeal, defendant contends that the trial court did not take two factors into account which render its findings completely fallacious. Findings of fact in a bench trial will not be disturbed unless clearly erroneous. MCR 2.613; *In re Forfeiture of US Currency*, 164 Mich App 171, 179; 416 NW2d 700 (1987). Findings of fact are clearly erroneous if, after review of the entire record, this Court is left with a definite and firm conviction that a mistake has been made. *People v Brown*, 205 Mich App 503, 505; 517 NW2d 806 (1994).

Defendant argues that the trial court's findings were illogical because she did not know that she had no insurance at the time of the accident on June 28, 1992. However, whether defendant knew the vehicle was uninsured at the time of the accident is irrelevant, as defendant clearly knew that the damage to the car was not covered by insurance when she obtained a new policy for the vehicle on June 30, 1992, and when she reported the vehicle stolen on July 28, 1992.

Defendant also maintains that the trial court's reasoning is flawed because defendant's loss for the car theft was greater than the loss from the minimal damage incurred in the accident. We disagree. First, the trial court did not find defendant's testimony regarding the cost of the repairs to be credible in

view of the testimony of both the police officer who responded to the accident and the tow truck driver. Second, defendant received $15,828 from the insurance company. Although defendant asserts that the value of the car was $23,000, the purchase price, the car was two years old and, due to depreciation, would not have been valued at the full purchase price even if the car had not been damaged in the accident. Finally, from the testimony that the vehicle was found in defendant's garage, partially stripped, the trial court could reasonably infer that defendant had obtained additional benefit by selling parts. See *People v McKenzie*, 206 Mich App 425, 428; 522 NW2d 661 (1994).

In sum, after reviewing the evidence presented at trial, we are not left with a definite and firm conviction that a mistake has been made. Accordingly, the trial court's findings of fact were not clearly erroneous.

Affirmed.

/s/ Richard A. Bandstra
/s/ Mark J. Cavanagh
/s/ Stephen J. Markman