

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

LARRY IRVIN,

Defendant-Appellant.

UNPUBLISHED

December 30, 1997

No. 195951

Recorder's Court

LC No. 95-011370

Before: Griffin, P.J., and Markman and Whitbeck, JJ.

MEMORANDUM.

Defendant was found guilty of first-degree murder, MCL 750.316; MSA 28.548, and was sentenced to life imprisonment without parole. We affirm.

Defendant asks that his conviction be vacated on the ground that the criminal-agency component of the corpus delicti of the crime was not established independent of defendant's extra-judicial confessions.

Proof of the corpus delicti of a crime is required before the prosecution is allowed to introduce the inculpatory statements of the accused. *People v McMahan*, 451 Mich 543, 548; 548 NW2d 199 (1996). The corpus delicti of murder requires proof of both a death and some criminal agency that caused that death. *Id.* at 549. Such proof must be independent of the accused's confessions. *Id.* Moreover, the corpus delicti may be established by a preponderance of direct or circumstantial evidence and reasonable inferences. *People v Basic*, 171 Mich App 222, 227; 429 NW2d 860 (1988).

There was evidence independent of defendant's inculpatory statements that the victim's body was found in the Rouge River and that the victim disappeared in November. A witness testified that defendant was in possession of the victim's vehicle and a gun a short time after the victim's disappearance and that the witness observed what appeared to be blood stains on the interior of the vehicle. Further, an FBI report indicated that human blood was found in the interior of the vehicle. From this, there was proof from which it could be inferred by a preponderance of the evidence that defendant came into possession of the victim's vehicle by means of violence and that this violence

constituted the criminal means of the victim's death. *Brasic, supra* at 224-228; *People v Modelski*, 164 Mich App 337, 340-346; 416 NW2d 708 (1987). Thus, the trial court did not err by admitting defendant's inculpatory statements.

Affirmed.

/s/ Richard Allen Griffin
/s/ Stephen J. Markman
/s/ Williams C. Whitbeck