

STATE OF MICHIGAN
COURT OF APPEALS

In re KEN PETITT, a Minor.

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

KEN PETITT,

Defendant-Appellant.

UNPUBLISHED

April 3, 1998

No. 200815

Wayne Juvenile Court

LC No. 96-338864

Before: Holbrook, Jr., P.J., and White and J.W. Fitzgerald*, JJ.

MEMORANDUM.

Following a bench trial, defendant was convicted of malicious destruction of property under \$100, MCL 750.377a; MSA 28.609(1). Defendant appeals as of right, arguing that the evidence was insufficient to support his conviction. We affirm.

In reviewing a claim of insufficient evidence, this Court must view the evidence, including all reasonable inferences arising therefrom, in the light most favorable to the prosecution and determine whether a rational trier of fact could find the essential elements of the crime were proven beyond a reasonable doubt. *People v Hutner*, 209 Mich App 280, 282; 530 NW2d 174 (1995). At trial, the complainant testified that she saw defendant throw a rock at the front of a vehicle she owned, breaking a headlight. Other damage was done to the vehicle, but complainant testified that she did not see defendant cause any damage other than breaking a single headlight. Contrary to defendant's argument, his specific intent to commit the offense may be inferred from his conduct. *People v Mack*, 112 Mich App 605, 611; 317 NW2d 190 (1981). Moreover, although the prosecutor failed to present any direct evidence of the reasonable cost of repairing the damaged vehicle, the trial court, sitting as trier of fact, could properly infer that the cost of repair would be an amount less than \$100. See *People v Hamblin*, 224 Mich App 87, 96; 568 NW2d 339 (1997). The fact that complainant's vehicle was

* Former Supreme Court justice, sitting on the Court of Appeals by assignment.

stolen one or two days after this incident is immaterial to the valuation of damage in this case because the proper measure of damages is that caused by the defendant's actions, not the actual monetary cost to the complainant to repair the damage. *Id.* at 97. Accordingly, when viewed in a light most favorable to the prosecution, the evidence was sufficient to support defendant's conviction.

Defendant's conviction is affirmed, but we remand this matter to the juvenile court for the limited purpose of amending the Order of Disposition to provide that defendant was convicted of malicious destruction of property under \$100. We do not retain jurisdiction.

/s/ Donald E. Holbrook, Jr.

/s/ Helene N. White

/s/ John W. Fitzgerald