

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

CARL A. COLLINS,

Defendant-Appellant.

UNPUBLISHED

August 28, 2001

No. 224909

Wayne Circuit Court

LC No. 99-001444

Before: Fitzgerald, P.J., and Gage and C. H. Miel*, JJ.

MEMORANDUM.

Defendant appeals as of right his jury conviction for larceny in a building, MCL 750.360. We affirm.

Police officers observed defendant and a companion acting suspiciously at Detroit Metropolitan Airport. Defendant told his companion to get a cart, and get a bag from the conveyor belt. The companion got the bag, and the two men took it to a secluded area, where they looked through the bag. They returned the bag to the belt, then took another bag. After they took that bag to another area of the airport, police arrested defendant's companion while he was looking through the bag in a restroom. Defendant was arrested in a lobby outside the restroom.

Defendant asserts that there was insufficient evidence to support his conviction. In determining whether sufficient evidence has been presented to sustain a conviction, a reviewing court must view the evidence in a light most favorable to the prosecution, and determine whether any rational finder of fact could have found that the essential elements of the crime were proven beyond a reasonable doubt. *People v Wolfe*, 440 Mich 508, 515; 489 NW2d 748 (1992). A rational factfinder could conclude that defendant acted in concert with his companion, and they intended to take the bag or its contents.

Defendant also asserts that his sentence is disproportionate. Defendant's sentence was within the applicable statutory guidelines range. The Legislature intended to preclude appellate scrutiny of a sentence within the guidelines, absent scoring errors or reliance on inaccurate information. MCL 769.34(10); *People v Babcock*, 244 Mich App 64, 73; 624 NW2d 479 (2000). Defendant has not identified any scoring errors or inaccurate information.

* Circuit judge, sitting on the Court of Appeals by assignment.

Affirmed.

/s/ E. Thomas Fitzgerald

/s/ Hilda R. Gage

/s/ Charles H. Miel