

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DAVID WILLIAM EDMUNDS,

Defendant-Appellant.

UNPUBLISHED

June 24, 2003

No. 237497

Missaukee Circuit Court

LC No. 00-101567-FH

Before: Smolenski, P.J., and Griffin and O'Connell, JJ.

PER CURIAM.

Defendant appeals as of right his jury conviction of the misdemeanor offense of malicious destruction of trees, shrubs, grass, turf, plants, crops or soil, valued at less than \$200, MCL 750.382(1)(a). Defendant was sentenced by the trial court to serve thirty days in jail and was placed on probation for eighteen months. We affirm.

Defendant's conviction stems from an incident that occurred on the night before July 4, 2000. Defendant and several acquaintances were sitting around a campfire on Jeffrey Royston's lawn, near his house. Following a verbal and physical altercation fueled by the excessive consumption of alcoholic beverages, defendant left the house, got into his pickup truck, and drove around the house. Several eyewitnesses testified that defendant spun out and drove at a fast rate around the house, and over the lawn, driveway, and flowerbeds two or three times. The witnesses testified that during these laps defendant was trying to strike them with the truck; they jumped behind trees in an effort to protect themselves. Several people chased after and tried to stop the vehicle, and one individual punched out the side window of the truck in an apparent effort to grab the keys. Defendant, who had been yelling for his girlfriend to get into the truck, then drove off and left the area of the party. Defendant was thereafter charged with three counts of felonious assault and malicious destruction of trees, shrubs, plants, or soil. Following a jury trial, defendant was acquitted on the felonious assault counts but convicted on the malicious destruction count.

The sole issue raised by defendant on appeal is whether there was sufficient evidence adduced at trial to support his conviction of malicious destruction. In reviewing a sufficiency of the evidence claim, this Court must view the evidence in a light most favorable to the prosecution and determine whether any rational trier 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), amended 441 Mich 1201 (1992). "The standard of review is

deferential: a reviewing court is required to draw all reasonable inferences and make credibility choices in support of the jury verdict.” *People v Nowack*, 462 Mich 392, 400; 614 NW2d 78 (2000).

The offense of malicious destruction of trees, shrubs, grass, turf, plants, or soil valued at less than \$200 requires proof of the following elements: (1) that the property belonged to someone else; (2) that the defendant destroyed or damaged that property; (3) that the defendant did this willfully and maliciously or wantonly and without cause and with the intent to damage or destroy the property; and (4) that the extent of the damage was some amount less than \$200. MCL 750.382(1)(a); CJI2d 32.2.

Defendant contends that the proofs are deficient with regard to the last element, the extent of damage to the property in question. Defendant argues that although there is no question that the ground and the driveway were disturbed by his vehicle, the record is devoid of any evidence that this disturbance had any value at all. We disagree.

The malicious destruction of property statutes focus on the amount of damage caused by the defendant. *People v Hamblin*, 224 Mich App 87, 94; 568 NW2d 339 (1997). The particular statute at issue only requires proof of damage in an amount “less than \$200.” MCL 750.382(1)(a). At trial, although no dollar value of the damage to the grass, turf, or flowerbeds was presented at trial, numerous witnesses consistently testified that as a result of defendant’s two or three laps around the property in question at a high rate of speed, the lawn was deeply rutted and gouged, the grass was torn out, dirt and gravel were strewn about by the spinning tires, and part of the flower beds were demolished. As the trial court accurately noted in denying defendant’s motion for a directed verdict, the testimony that “there were deep ruts, that took some labor and some material to fill in those ruts,” constituted sufficient proof that the extent of the damage was some amount less than \$200 under the statute. Defendant’s argument is therefore without merit.

Defendant also argues there was insufficient evidence for the jury to conclude that he possessed the requisite intent. Defendant maintains that, consistent with his claim of self-defense regarding the felonious assault charges, he genuinely believed that he and his girlfriend were at risk as a result of the altercation, and it was his efforts to rescue and retrieve his girlfriend (by driving around the house) and escape from the area – not a specific intent to destroy or damage the grass and turf – that resulted in the damages that gave rise to the malicious destruction of property charge.

To be convicted of malicious destruction of property, a defendant must have intended to destroy or damage the property in question. Intent may be inferred from all the facts and circumstances. *People v Nelson*, 234 Mich App 454, 459; 594 NW2d 114 (1999). In the instant case, the witnesses’ testimony established that defendant used his truck to repeatedly circle the property owner’s house, driving over the lawn, drain field, and flower bed in a wild and reckless manner. In so doing, it would be reasonably probable that damage would result to the turf and plants. Viewed in a light most favorable to the prosecution, this evidence supported a reasonable inference and was sufficient for a rational trier of fact to conclude that defendant specifically intended to damage the complainant’s property. *Wolfe, supra; Nowack, supra*.

Affirmed.

/s/ Michael R. Smolenski
/s/ Richard Allen Griffin
/s/ Peter D. O'Connell