

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

BRUCE CALHOUN,

Defendant-Appellant.

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UNPUBLISHED

July 13, 2001

No. 222672

Wayne Circuit Court

LC No. 99-001613

Before: Saad, P.J., and Holbrook, Jr., and Murphy, JJ.

PER CURIAM.

Defendant appeals as of right from his conviction of unarmed robbery, MCL 750.530, entered after a jury trial. We affirm.

Defendant was charged with first-degree home invasion, MCL 750.110a(2), and unarmed robbery. Complainant testified that defendant, with whom she was having a personal relationship, came to her home, pushed through the door, and demanded money. Complainant and defendant began arguing and became involved in a physical altercation. Defendant pushed complainant, hit her with his fist, and then left the premises after taking complainant's money and car keys.

The trial court denied defendant's motion for a directed verdict. The jury acquitted defendant of home invasion, but convicted him of unarmed robbery.

In reviewing a sufficiency of the evidence question, we view the evidence in a light most favorable to the prosecution to determine whether a rational trier of fact could conclude that the elements of the offense were proven beyond a reasonable doubt. We do not interfere with the jury's role of determining the weight of the evidence or the credibility of witnesses. *People v Wolfe*, 440 Mich 508, 514-515; 489 NW2d 748 (1992), amended 441 Mich 1201 (1992); *People v Warren*, 228 Mich App 336, 343; 578 NW2d 692 (1998), modified 462 Mich 415; 615 NW2d 691 (2000). A trier of fact may make reasonable inferences from evidence in the record, but may not make inferences completely unsupported by any direct or circumstantial evidence. *People v Vaughn*, 186 Mich App 376, 379-380; 465 NW2d 365 (1990).

If the evidence is insufficient to support a conviction, due process requires that the trial court direct a verdict of acquittal. MCR 6.419(A); *People v Lemmon*, 456 Mich 625, 633-634;

576 NW2d 129 (1998). When ruling on a motion for directed verdict, the trial court must consider the evidence presented by the prosecutor and determine whether a rational trier of fact could find that the elements of the charged offense were proven beyond a reasonable doubt. *People v Vincent*, 455 Mich 110, 121; 565 NW2d 629 (1997). Questions regarding the credibility of witnesses are to be left to the trier of fact. *People v Pena*, 224 Mich App 650, 659; 569 NW2d 871 (1997), modified in part on other gds 457 Mich 885; 586 NW2d 925 (1998). We review a trial court's ruling on a motion for directed verdict de novo. *People v Mayhew*, 236 Mich App 112, 124; 600 NW2d 370 (1999).

The elements of unarmed robbery are: (1) a felonious taking of property from another; (2) by force, violence, assault, or putting in fear; and (3) being unarmed. *People v Randolph*, 242 Mich App 417, 419; 619 NW2d 168 (2000). To support a conviction of unarmed robbery, the prosecution must also establish that the property was moved, and that at the time the property was taken, the accused intended to deprive the owner of it permanently. CJI2d 18.2. Unarmed robbery is a specific intent crime. *People v Compian*, 38 Mich App 289, 294-295; 196 NW2d 353 (1972). Specific intent can be express, or it can be inferred from the facts and circumstances surrounding the incident. *People v Beaudin*, 417 Mich 570, 575; 339 NW2d 461 (1983).

Defendant argues that insufficient evidence was presented to support his conviction of unarmed robbery, and that the trial court erred by failing to grant his motion for a directed verdict. We disagree and affirm. The evidence produced by the prosecution established that defendant, who was unarmed, went to complainant's home, pushed through the door, and demanded money. When complainant failed to give defendant money, they engaged in a physical struggle. Defendant struck complainant, took her money and car keys, and left the premises. Complainant testified that she was placed in fear by defendant's actions. The jury was entitled to believe complainant's testimony. *People v Marji*, 180 Mich App 525, 542; 447 NW2d 835 (1989). Complainant's testimony supported an inference that defendant had the requisite specific intent to deprive complainant of her property at the time he assaulted her. *Beaudin, supra*. Complainant's testimony that defendant left the premises with her money and car keys established that defendant moved the property, CJI2d 18.2(5), and supported an inference that defendant intended to deprive her of the property permanently. The trial court did not err by denying defendant's motion for a directed verdict, *Vincent, supra*, and the evidence, viewed in a light most favorable to the prosecution, supported defendant's conviction of unarmed robbery. *Wolfe, supra*.

Affirmed.

/s/ Henry William Saad  
/s/ Donald E. Holbrook, Jr.  
/s/ William B. Murphy