

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

AUNDRE TERRELL,

Defendant-Appellant.

UNPUBLISHED

July 13, 2001

No. 223293

Muskegon Circuit Court

LC No. 99-043443-FH

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. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Complainant testified that he asked two men, one of whom was defendant, for directions to a funeral home to which he was scheduled to deliver flowers. The men accompanied him to the funeral home, and defendant assisted with the delivery. Complainant stated that when he returned to his vehicle the men knocked him to the ground, hit him, and took his wallet. The funeral home director testified that he observed both men hitting complainant, and that he saw defendant searching through complainant's pockets. A police officer discovered defendant hiding under a mattress in a basement. Complainant's wallet was also found in the basement. Defendant testified that his friend instigated the attack on complainant. Defendant denied hitting complainant or taking his wallet. The jury found defendant guilty as charged.

In reviewing the sufficiency of the evidence, 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).

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 the evidence was insufficient to support his conviction. We disagree and affirm. The evidence established that complainant was beaten by two men and that his wallet was taken from his person. Defendant denied hitting complainant or taking his wallet; however, the funeral home director testified that he observed defendant hitting complainant and going through his pockets. The jury was entitled to believe this testimony, and to reject defendant's testimony. *People v Marji*, 180 Mich App 525, 542; 447 NW2d 835 (1989). The testimony of complainant and the director established that defendant took complainant's wallet from his person through the use of force and violence. No evidence suggested that defendant was armed. The police officer's testimony that complainant's wallet was found in the basement in which defendant was hiding supported an inference that defendant moved the wallet with the intention of depriving complainant of it permanently. *Beaudin, supra*; *Vaughn, supra*. Viewed in a light most favorable to the prosecution, the evidence was sufficient to support defendant's conviction of unarmed robbery. *Wolfe, supra*.

Affirmed.

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