

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

FREDERICK WILLIAM MILLER,

Defendant-Appellant.

UNPUBLISHED

April 4, 2006

No. 259077

Kalamazoo Circuit Court

LC No. 03-000654-FH

Before: Neff, P.J., and Saad and Bandstra, JJ.

MEMORANDUM.

Defendant appeals as of right his jury trial conviction for larceny of property valued at \$1,000 or more but less than \$20,000, MCL 750.356(3)(a). We affirm.

Plaintiff alleged that defendant removed various items including an engine and a toolbox containing mechanics tools, from a garage rented by complainant, who valued the engine at \$3,000 and the toolbox at \$1,500.

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. *People v Bulls*, 262 Mich App 618, 623; 687 NW2d 159 (2004). We do not interfere with the jury's role of determining the weight of the evidence or the credibility of witnesses. *People v Vaughn*, 186 Mich App 376, 380; 465 NW2d 365 (1990). A trier of fact may make reasonable inferences from direct or circumstantial evidence in the record. *Id.* at 379-380.

The elements of larceny are: (1) an actual or constructive taking of goods or property; (2) a carrying away of the goods; (3) the carrying away must be with felonious intent; (4) the goods or property must belong to another; and (5) the taking of the goods or property must be without the consent and against the will of the owner. *People v Cain*, 238 Mich App 95, 120; 605 NW2d 28 (1999). Additionally, the value of the property alleged to have been stolen must meet the statutory requirement. *People v Pratt*, 254 Mich App 425, 427; 656 NW2d 866 (2002). In general, the law supports the use of the fair market value as the standard when such a value exists. *Id.* at 428-429. The owner of the property is qualified to testify as to the value of the property, unless the owner's valuation is based on personal or sentimental value. *Id.* at 429.

Plaintiff was required to establish that the property that defendant removed from complainant's garage was valued at \$1,000 or more but less than \$20,000. MCL 750.356(3)(a). Complainant valued the engine, which he built, at \$3,000, and valued the tools with which he worked at \$1,500. This testimony was not based on personal or sentimental value, but rather on complainant's extensive experience as an auto mechanic. Plaintiff was not required to present evidence regarding the fair market value of the items,¹ but was entitled to rely on complainant's testimony, which supported a finding that the value of the items taken from his garage was \$1,000 or more but less than \$20,000. The evidence produced was sufficient to support defendant's conviction.

We affirm.

/s/ Janet T. Neff
/s/ Henry William Saad
/s/ Richard A. Bandstra

¹ Neither party requested that the trial court read CJI2d 22.1, which defines fair market value of property.