

STATE OF MICHIGAN  
COURT OF APPEALS

---

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

HANI ALEXANDER AZZAM,

Defendant-Appellant.

---

UNPUBLISHED

September 17, 2009

No. 286210

Washtenaw Circuit Court

LC No. 06-001896-FH

Before: Murphy, P.J., and Meter and Beckering, JJ.

PER CURIAM.

Following a jury trial, defendant was convicted of three counts of using a financial transaction device without the consent of the deviceholder, MCL 750.157n(1). He was sentenced to two years' probation. Defendant appeals as of right. We affirm. This opinion is being decided without oral argument pursuant to MCR 7.214(E).

Defendant argues that there was insufficient evidence to sustain his conviction on one count. Specifically, defendant challenges the count related to an electronic check made payable to Legalmatch.com. We disagree. "A claim of insufficient evidence is reviewed de novo, in a light most favorable to the prosecution, to determine whether the evidence would justify a rational jury's finding that the defendant was guilty beyond a reasonable doubt." *People v McGhee*, 268 Mich App 600, 622; 709 NW2d 595 (2005). Pursuant to MCL 750.157n(1), the prosecution must prove that defendant "knowingly use[d] a financial transaction device without the consent of the deviceholder." Because knowledge is an essential element, the crime is one of specific intent. *People v Ainsworth*, 197 Mich App 321, 325; 495 NW2d 177 (1992). "Circumstantial evidence and reasonable inferences arising from the evidence may sufficiently prove the elements of a crime." *People v Bulls*, 262 Mich App 618, 624; 687 NW2d 159 (2004). Minimal circumstantial evidence can establish a defendant's knowledge and intent. *People v Kanaan*, 278 Mich App 594, 622; 751 NW2d 57 (2008).

Sufficient evidence was presented at trial from which a rational jury could conclude beyond a reasonable doubt that defendant knowingly used a financial transaction device without the consent of the deviceholder to pay Legalmatch.com. The testimony of Andres and Yuko Lopez alone was sufficient evidence to establish that defendant used their account number without their consent. See *People v Taylor*, 185 Mich App 1, 8; 460 NW2d 582 (1990). The Lopezes testified that defendant did not have their consent to use their account. Moreover, sufficient circumstantial evidence was presented to prove that defendant used the Lopezes'

account number and did so with specific intent, i.e. knowingly. See *Kanaan, supra* at 622. Legalmatch.com was in the process of recruiting defendant, an attorney. The electronic check to Legalmatch.com referenced the Lopezes' routing and account numbers and had "Alex Azzam" typed on the top, suggesting that defendant requested the check. Additionally, defendant had access to the Lopezes' bank account information, both while preparing Yuko's immigration application and when Andres wrote defendant two checks bearing the Lopezes' routing and account numbers. Furthermore, defendant was involved in a billing dispute with the Lopezes, giving him motive to use their account. See *People v Fisher*, 449 Mich 441, 453; 537 NW2d 577 (1995) (stating that when the proofs are circumstantial, evidence of motive is highly relevant to establishing intent). Andres demanded the return of one check he gave defendant and cancelled another after objecting to defendant's services. Defendant and his collection agency threatened Andres with legal action in unsuccessful attempts to acquire payment. Moreover, defendant told Detective David Monroe that he used the Lopezes' account to pay two other bills in an act of self-help because he needed the income, did not have time for litigation, and knew the Lopezes could afford to pay him. Defendant did not indicate to Detective Monroe that the Lopezes consented to these payments. Together with the Lopezes' testimony, this circumstantial evidence was sufficient for a rational jury to conclude beyond a reasonable doubt that defendant knowingly used the Lopezes' account information without their consent to pay Legalmatch.com.

Affirmed.

/s/ William B. Murphy

/s/ Patrick M. Meter

/s/ Jane M. Beckering