

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

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

CHARLES TERRY STEWART JR,

Defendant-Appellant.

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UNPUBLISHED

October 20, 2009

No. 286266

Oakland Circuit Court

LC No. 2007-218374-FH

Before: Fort Hood, P.J., and Sawyer and Donofrio, JJ.

PER CURIAM.

Defendant appeals as of right his jury trial conviction of one count of making a false statement to pass title for a motor vehicle, MCL 257.254. The trial court sentenced defendant to two years' probation and 270 days in jail granting two days credit to be suspended after 210 days served as well as ordered defendant to pay restitution to the victim, Craig Royer, in the amount of \$11,500. Because the evidence, when viewed in the light most favorable to the prosecution, is sufficient to support defendant's conviction, and because the trial court did not abuse its discretion when it ordered defendant to pay restitution to Royer, we affirm. This appeal has been decided without oral argument pursuant to MCR 7.214(E).

I. Basic Facts

Defendant's conviction stems from making a false statement to pass title for a stolen motor vehicle. The motor vehicle in question is a 2005 Ford 500 owned by Craig Royer, a 21 year old who lives in Goshen, Indiana. Royer advertised the vehicle for sale and was contacted by a potential buyer named "Bob Wilson." On March 12, 2007, Wilson traveled to Royer's residence to purchase the vehicle and Royer gave Wilson a certificate of title, bill of sale, and the car in exchange for a bank check in the amount of \$11,500. However, after Royer deposited the bank check, he learned that it was fake and the car was later reported stolen. Defendant applied for title of the 2005 Ford 500 on March 13, 2007, at the City of Pontiac branch of the Michigan Secretary of State using his state I.D. and claiming he purchased the vehicle from Craig Royer on March 12, 2007, for \$3,000. Immediately after applying for title, defendant requested a duplicate for an allegedly lost title before receiving the original title, and sold the car weeks later. The Secretary of State office later discovered that the vehicle was reported stolen and that it could not legally be titled in Michigan.

II. Sufficiency of Evidence

Defendant does not dispute he applied for title of the vehicle. Rather, he argues on appeal that the evidence provided by the prosecution is speculative and not sufficient to convince a rational person beyond a reasonable doubt that defendant knowingly made a false statement of material fact in the assignment of a certificate of title. We review challenges to the sufficiency of the evidence de novo. *People v Lueth*, 253 Mich App 670, 680; 660 NW2d 322 (2002). In doing so, we view the evidence in the light most favorable to the prosecution and determine whether a rational trier of fact could find that the prosecution proved the essential elements of the crime beyond a reasonable doubt. *People v Hardiman*, 466 Mich 417, 428; 646 NW2d 158 (2002). In making this assessment, the trier of fact and not the appellate court determine what inferences can be fairly drawn from the evidence and the weight to be accorded to those inferences. *Id.*

The elements for passing title or transferring possession of a motor vehicle known to be stolen are set out in MCL 257.254. MCL 257.254 states in pertinent part:

Any person who shall knowingly make any false statement of a material fact, either in his or her application for the certificate of title required by this act, or in any assignment of that title, or who, with intent to procure or pass title to a motor vehicle which he or she knows or has reason to believe has been stolen, shall receive or transfer possession of the same from or to another, or who shall have in his or her possession any vehicle which he or she knows or has reason to believe has been stolen, and who is not an officer of the law engaged at the time in the performance of his or her duty as such officer, is guilty of a felony[.]<sup>1</sup>

Here, Royer testified that he gave a man named “Wilson” a certificate of title, a bill of sale, and the vehicle in exchange for a bank check in the amount of \$11,500 on March 12, 2007. Royer later determined that the bank check was fake and he reported the car stolen. As the trier of fact, the jury is entitled to make reasonable inferences from the evidence. *People v Brown*, 184 Mich App 567, 570-571; 459 NW2d 19 (1990). Although Royer was unable to identify defendant as Wilson, it can be reasonably inferred defendant either was Wilson or knew Wilson, such that he knew that the vehicle was not legally purchased. The circumstantial evidence connects defendant to the scheme because when he applied for the title, he provided Royer’s

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<sup>1</sup> See also CJI2d 24.7:

- (1) The defendant is charged with the crime of making a false statement about the title to a motor vehicle. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:
- (2) First, that the defendant applied for a [certificate / assignment] of title to a motor vehicle.
- (3) Second, that in doing this, the defendant made a false statement of a material fact. A material fact is an essential matter required for a valid transfer.
- (4) Third, that the defendant knew the statement was false when [he / she] made it.

name as the seller, indicated that he purchased the vehicle on the same day that Royer testified he sold the car, and was in possession of the vehicle's title that Royer had given to "Wilson." This evidence, and all reasonable inferences drawn therefrom, tend to show that defendant knowingly made a false statement of material fact when he applied for title and is sufficient to establish the first and second elements of MCL 257.254.

Defendant's actions in procuring a title immediately following the "purchase," requesting a duplicate for an allegedly lost title before receiving the original title, and selling the car weeks later support defendant's intent to quickly procure title for a stolen vehicle. The expedited manner in which defendant transferred the certificate of title infers he knew the car was stolen and was in a rush to sell the car. "An actor's intent may be inferred from all of the facts and circumstances . . . and because of the difficulty of proving an actor's state of mind, minimal circumstantial evidence is sufficient." *People v Fetterley*, 229 Mich App 511, 517-518; 583 NW2d 199 (1998). Therefore, defendant's actions are sufficient to establish the third element in MCL 257.254 and the prosecution has presented sufficient evidence to establish all three elements and met its burden.

Defendant, however, provides alternative theories to show he did not knowingly make a false statement when he presented the title for transfer. A prosecutor "need not negate every reasonable theory consistent with the defendant's innocence, but [must] merely introduce evidence sufficient to convince a reasonable jury in the face of whatever contradictory evidence the defendant may provide." *People v Fletcher*, 260 Mich App 531, 560; 679 NW2d 127 (2002), quoting *People v Konrad*, 449 Mich 263, 273 n 6; 536 NW2d 517 (1995).

Viewing the evidence in the light most favorable to the prosecution, we conclude that the prosecutor presented sufficient evidence to support defendant's conviction beyond a reasonable doubt.

### III. Sentencing

Defendant next contends that he is not directly responsible for the loss incurred by Royer and therefore the trial court erred by ordering restitution to Royer. We review an order of victim restitution for an abuse of discretion. *People v Gubachy*, 272 Mich App 706, 708; 728 NW2d 891 (2006). If the trial court's decision falls within the range of principled outcomes, it has not abused its discretion. *People v Carnicom*, 272 Mich App 614, 616-617; 727 NW2d 399 (2006).

The Crime Victim's Rights Act, MCL 780.751 *et seq.*, mandates that a trial court, when sentencing a defendant, order "that the defendant make full restitution to any victim of the defendant's course of conduct that gives rise to the conviction or to the victim's estate." MCL 780.766(2). "[D]efendant should compensate for all the losses attributable to the illegal scheme that culminated in his conviction, even though some of the losses were not the factual foundation of the charge that resulted in conviction." *People v Gahan*, 456 Mich 264, 272; 571 NW2d 503 (1997). Here, although Royer's loss did not form the factual foundation for the charge that resulted in defendant's conviction, his loss is attributable to the illegal scheme that resulted in

defendant's conviction. Accordingly, the trial court did not abuse its discretion in ordering that defendant pay restitution.

Affirmed.

/s/ Karen M. Fort Hood

/s/ David H. Sawyer

/s/ Pat M. Donofrio