

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

HATTIE DELAIN WRIGHT,

Defendant-Appellant.

UNPUBLISHED

August 9, 1996

No. 184541

LC No. 94-009439

Before: Sawyer, P.J., and Bandstra and M.J. Talbot,* JJ

PER CURIAM.

Defendant was convicted, following a bench trial, of larceny over \$100, MCL 750.356; MSA 28.588. Subsequently, defendant was sentenced to serve three years' probation. We affirm.

Defendant first argues that the prosecution failed to present sufficient evidence from which a rational trier of fact could find each element of the crime of larceny over \$100. We disagree. When considering a sufficiency of the evidence challenge following a waiver trial, this court, viewing the evidence in the light most favorable to the prosecution, must determine whether a rational trier of fact could have found that the essential elements of the crime were proven beyond a reasonable doubt. *People v Petrella*, 424 Mich 221, 268-270; 380 NW2d 11 (1985).

Here, complainant stored a purse containing \$8000 in cash in her locker at work. Subsequently, defendant borrowed complainant's key ring which contained the only key to complainant's locker. Defendant was in possession of the key ring for approximately one and a half hours. No one else had access to complainant's locker on the day in question. Upon removing her purse from the locker, complainant realized that her money was gone. Based on the evidence presented at trial, we conclude that there was sufficient evidence to support defendant's conviction of larceny over \$100. *People v Malach*, 202 Mich App 266, 270; 507 NW2d 834 (1993); *People v Brown*, 179 Mich App 131, 132; 445 NW2d 801 (1989); *People v Jolly*, 442 Mich 458, 466; 502 NW2d 177 (1993); *People v Greenwood*, 209 Mich App 470, 472; 531 NW2d 771 (1995).

* Circuit judge, sitting on the Court of Appeals by assignment.

Defendant also argues that the trial court erred in foreclosing her attempt to impeach complainant with evidence of a prior conviction. We disagree.

A trial court's decision to allow impeachment by evidence of a prior conviction is within its sound discretion and will not be reversed on appeal absent an abuse of discretion. *People v Coleman*, 210 Mich App 1, 6; 532 NW2d 885 (1995). For the purpose of attacking a witness' credibility, evidence that a witness has been convicted of a crime may not be admitted unless the crime contained an element of dishonesty or false statement, or the crime contained an element of theft and was punishable by more than one year in prison and has significant probative value on the issue of credibility. MRE 609; *People v Cross*, 202 Mich App 138, 146; 508 NW2d 144 (1995). No inquiry may be made regarding prior arrests or charges made against a witness that did not result in a conviction. *People v Falkner*, 389 Mich 682, 695; 209 NW2d 193 (1973); *People v Westbrook*, 175 Mich App 435, 437; 438 NW2d 300 (1989). Here, defendant attempted to impeach complainant on cross-examination with evidence that she had been "accused of theft in the past." Considering that an accusation is a far cry from a conviction, we find no abuse of discretion in the trial court's decision to sustain the prosecution's objection.

Affirmed.

/s/ David H. Sawyer
/s/ Richard A. Bandstra
/s/ Michael J. Talbot