

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JAMES RICHARDSON,

Defendant-Appellant.

UNPUBLISHED

August 6, 1996

No. 185892

LC No. 94-009443

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

PER CURIAM.

Defendant appeals as of right his bench trial convictions of unarmed robbery, MCL 750.530; MSA 28.798, and breaking and entering an occupied dwelling with intent to commit larceny, MCL 750.110; MSA 28.305. Defendant was sentenced to nine to fifteen years' imprisonment for the unarmed robbery conviction and eight to fifteen years on the breaking and entering conviction. We affirm.

Defendant's sole claim on appeal is that insufficient evidence was presented at trial to support his convictions for unarmed robbery and breaking and entering. We disagree. In determining whether sufficient evidence has been presented to sustain a conviction, this Court is required to view the evidence in a light most favorable to the prosecution and 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 Jaffray*, 445 Mich 287, 296; 519 NW2d 108 (1994).

The elements of unarmed robbery are: 1) a felonious taking of property from another; 2) by force or violence or assault or putting in fear; and 3) being unarmed. *People v Johnson*, 206 Mich App 122, 125-126; 520 NW2d 672 (1994). The elements of breaking and entering an occupied dwelling are: 1) the breaking; 2) and entering; 3) of an occupied dwelling; 4) with felonious intent. *People v Davenport*, 122 Mich App 159, 161; 332 NW2d 443 (1982).

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

We conclude that the prosecution presented sufficient evidence to support defendant's convictions. Defendant came to the home of the victims, Robert Lee Turner and Pearl Turner, and asked for money. He tricked Pearl into coming to and opening the door by offering to give her the couple's mail. Defendant then forced open the door, knocked Pearl aside, and ran into the home, saying, "[S]omething up here I want. I'm gonna make damn sure I get it." Evidence was also presented that Pearl's change purse, which contained \$53, was missing after defendant entered the victims' home, and that defendant took a .38-caliber pistol from the Turners' living room. As defendant exited the Turner's home he stated, "I got what I want."

Defendant also contested the Turners' ability to identify him at trial. Although Pearl had some difficulty identifying defendant and could not clearly read the courtroom clock, Robert immediately recognized defendant, stating, "I never will forget him." Robert had no difficulty reading the courtroom clock. The trial judge, sitting as factfinder, found the Turners' identification of defendant to be credible and we give deference to that determination. MCR 2.613(C); *McKelvie v Auto Club Ins Ass'n*, 203 Mich App 331, 337; 512 NW2d 74 (1994). The above evidence was sufficient to support both of defendant's convictions.

We affirm.

/s/ David H. Sawyer

/s/ Richard A. Bandstra

/s/ Michael J. Talbot