

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

UNPUBLISHED  
May 16, 2013

v

JOSEPH ALLEN EHRET,  
Defendant-Appellant.

No. 310349  
Calhoun Circuit Court  
LC No. 11-003202-FH

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Before: FORT HOOD, P.J., and FITZGERALD and O'CONNELL, JJ.

PER CURIAM.

A jury convicted defendant of identity theft, MCL 445.65, and conspiracy to commit identity theft, MCL 750.157a. The trial court sentenced defendant to concurrent prison terms of 20 to 60 months for the identity theft conviction and nine months for the conspiracy conviction. Defendant appeals as of right. We affirm.

Defendant's convictions arise from his involvement in a scheme to fraudulently obtain credit and services through the use of the personal identifying information of the victim, who is the mother of his son. Defendant's coconspirator, Paulette Wilson, agreed to testify against defendant in exchange for the dismissal of a pending charge of uttering and publishing. According to Wilson, defendant obtained the victim's social security number from documents in his possession. Defendant provided the information to Wilson and asked her to use the information to ruin the victim's credit score. Wilson used this information to apply for and obtain credit cards, cellular telephone service, and a Direct TV subscription, all in the victim's name. Defendant, who resided with Wilson at the time, shared in the proceeds of Wilson's fraudulent acts. Wilson and the victim both testified that they did not know each other and that defendant was the only link between the two.

The prosecution charged defendant with identity theft as a principal and as an aider and abettor. The verdict form does not articulate under which theory the jury found defendant guilty.

Defendant argues that the evidence presented was insufficient to support his identity theft conviction. We review a claim of insufficient evidence *de novo*. *People v McGhee*, 268 Mich App 600, 612; 709 NW2d 595 (2005). The evidence is viewed in the light most favorable to the prosecution to determine whether a rational trier of fact could conclude that the essential elements of the crime were proven beyond a reasonable doubt. *People v Johnson*, 460 Mich 720, 723; 597 NW2d 73 (1999). Jury determinations of witness credibility and weight of the evidence

will not be interfered with, and any conflicts in the evidence will be resolved in the prosecution's favor. *People v Kanaan*, 278 Mich App 594, 619; 751 NW2d 57 (2008). "Circumstantial evidence and reasonable inferences arising from that evidence can constitute satisfactory proof of the elements of a crime." *People v Carines*, 460 Mich 750, 757; 597 NW2d 130 (1999).

The identity theft statute, in pertinent part, provides that a person shall not, with intent to defraud, use another's personal identifying information to obtain credit, goods, or services. MCL 445.65(1)(a). Furthermore, under the aiding and abetting statute, MCL 767.39, one who aids or abets in the commission of an offense may be prosecuted "as if he had directly committed such offense." *People v Taylor*, 44 Mich App 640, 643-644; 205 NW2d 884 (1973). Culpability as an aider and abettor arises where:

(1) the crime charged was committed by the defendant or some other person, (2) the defendant performed acts or gave encouragement that assisted the commission of the crime, and (3) the defendant intended the commission of the crime or had knowledge that the principal intended its commission at the time he gave aid and encouragement. An aider and abettor's state of mind may be inferred from all the facts and circumstances. [*Carines*, 460 Mich at 757-758.]

Defendant argues that the evidence does not show that he personally used the victim's personal identifying information to obtain credit and services. Defendant also argues that Wilson's testimony was not credible in light of her plea bargain and because she is a liar. For the reasons stated below, we disagree.

It is undisputed that Wilson fraudulently received credit and services through her use of the victim's personal identifying information. Wilson's testimony that defendant gave her the personal identifying information that enabled her to engage in the identity theft demonstrates defendant's assistance in the commission of the crime. Additional testimony that defendant lived with Wilson at the time and that defendant served as the only link between Wilson and the victim also supports the inference that defendant assisted in the commission of the crime. Wilson's testimony that defendant instructed her to create fraudulent accounts in an effort to ruin the victim's credit supports an inference of defendant's intent that the crime be committed. It was up to the jury to determine Wilson's credibility. *Kanaan*, 278 Mich App at 619. Additionally, Wilson's history of dishonesty and her plea bargain were disclosed to the jurors, allowing them to incorporate these facts into their determination of her credibility. Viewed in the light most favorable to the prosecution, this evidence supports a finding that defendant aided and abetted Wilson in identity theft.

Defendant also requests reversal of his conspiracy conviction, but fails to present any argument in favor of such relief. Thus, defendant has abandoned his challenge to the sufficiency of the evidence related to the conspiracy conviction. *People v McPherson*, 263 Mich App 124, 136; 687 NW2d 370 (2004).

Affirmed.

/s/ Karen M. Fort Hood  
/s/ E. Thomas Fitzgerald  
/s/ Peter D. O'Connell