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STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN, Plaintiff-Appellee,	UNPUBLISHED October 27, 2026 12:05 PM
v	No. 376324 Cass Circuit Court
ROBERT ALLEN SCOTT, JR., Defendant-Appellant.	LC No. 2024-010093-FH

Before: SWARTZLE, P.J., and ACKERMAN and TREBILCOCK, JJ.

PER CURIAM.

A jury convicted defendant, Robert Allen Scott, Jr., of various firearm crimes after he was discovered sleeping in someone else's car with the handgun he had stolen from his brother-in-law. He now challenges the sufficiency of the evidence supporting those convictions. We affirm.

I. FACTS AND PROCEDURAL BACKGROUND

In May 2024, a Dowagiac resident sought police assistance removing defendant from her property, where he was asleep in her car. Responding officers knew defendant had an active warrant for his arrest, and they had reason to believe he was carrying a firearm. So, they woke defendant, asked him to step out of the vehicle, and arrested him. During the ensuing search of his person, they discovered in his jacket pockets (1) a loaded "Glock 40 pistol" and (2) two .40 caliber bullets. Defendant is a felon and did not have a permit to carry a firearm.

The Glock's serial number revealed that it was registered to defendant's brother-in-law, Harry Reed. Police spoke to Reed, who stated that he did not give defendant permission to take the gun or even know it was missing from his home. The prosecution ultimately charged defendant with one count of being a felon in possession of a firearm, MCL 750.224f(1); one count of being a felon in possession of ammunition, MCL 750.224f(3); one count of larceny of a firearm, MCL 750.357b; one count of carrying a concealed weapon (CCW), MCL 750.227(2); and two counts of carrying a firearm during the commission of a felony (felony-firearm), MCL 750.227b. At trial, the jury heard testimony from Reed and the two responding officers, and it watched body-camera footage taken during defendant's arrest. On this and other evidence, the jury found defendant guilty as charged. Defendant appeals by right.

II. ANALYSIS

In his sole argument on appeal, defendant contends that the prosecution presented insufficient evidence to support his convictions.

We review sufficiency-of-the-evidence challenges de novo. *People v Lane*, 308 Mich App 38, 57; 862 NW2d 446 (2014). In so doing, we "must view the evidence in a light most favorable to the prosecution to determine whether a rational trier of fact could have found that the essential elements of the crime were proved beyond a reasonable doubt." *People v Johnson*, 293 Mich App 79, 82; 808 NW2d 815 (2011). We do "not interfere with the fact-finder's role of deciding credibility," *People v Xun Wang*, 505 Mich 239, 258; 952 NW2d 334 (2020), and "[i]t is for the trier of fact, not the appellate court, to determine what inferences may be fairly drawn from the evidence and to determine the weight to be accorded those inferences," *People v Oros*, 502 Mich 229, 239; 917 NW2d 559 (2018) (quotation marks, citation, and emphasis omitted). Our review is thus deferential: we are "*required* to draw all reasonable inferences and make credibility choices in support of the jury verdict." *Id*. (quotation marks and citation omitted).

A. LARCENY OF A FIREARM

Defendant first challenges the sufficiency of the evidence underlying his larceny-of-a-firearm conviction under MCL 750.357b, which prohibits "larceny by stealing the firearm of another person." He does not contest the individual elements of that offense; instead, he argues only that the prosecution failed to prove beyond a reasonable doubt that *he* stole Reed's gun because others connected to Reed also had the opportunity to steal it from Reed's home while Reed was recovering in a rehabilitation center. We cannot agree.

"It is well settled that identity is an element of every offense." *People v Savage*, 327 Mich App 604, 614; 935 NW2d 69 (2019) (quotation marks and citation omitted). "Circumstantial evidence and reasonable inferences arising from that evidence can constitute satisfactory proof of the elements of a crime." *Oros*, 502 Mich at 239 (quotation marks and citation omitted). However, "the circumstantial proof must facilitate reasonable inferences of causation, not mere speculation." *Xun Wang*, 505 Mich at 251 (quotation marks and citation omitted).

Here, the responding officers' testimony established that they found Reed's gun in defendant's pocket immediately after arresting him. Reed, for his part, testified that he had not given anyone, including defendant, permission to take the gun. Indeed, neither Reed nor his wife (defendant's sister) had known the gun was gone—it was in their home when he left for a month-long stay in a hospital and nursing rehabilitation facility, and he only discovered it was missing when police found defendant with it a few days after Reed's discharge. Reed's testimony also placed defendant in Reed's home while Reed was away—on a phone call with his wife, Reed overheard defendant in the background at their home. From this testimony, the jury could reasonably infer that defendant took Reed's gun while in the home during Reed's absence. *Oros*, 502 Mich at 239. And viewed in the light most favorable to the prosecution, such inference would allow a rational jury to find the prosecution proved the identity element of defendant's larceny-of-a-firearm charge beyond a reasonable doubt.

To the extent defendant implies that Reed's daughter could have instead taken the gun, he bases this alternative inference on evidence not before the jury—i.e., the police report. See *People v Tennyson*, 487 Mich 730, 763 & n 21; 790 NW2d 354 (2010) (rejecting the dissent's reliance on evidence not produced at trial and noting that the sufficiency-of-the-evidence requirement demands the prosecution establish a defendant's guilt "solely on the basis of evidence produced in court") (quotation marks, citation, and emphasis omitted). And regardless, "if evidence is relevant and admissible, it does not matter that the evidence gives rise to multiple inferences or further inferences; it is for the jury alone to determine what inferences to draw." *People v Haynes*, 338 Mich App 392, 423; 980 NW2d 66 (2021). We similarly find unpersuasive defendant's attempts to identify weaknesses in the prosecution's circumstantial evidence. Again, it is for the jury "to determine what inferences may be fairly drawn from the evidence," as well as the weight accorded such inferences. *Oros*, 502 Mich at 239 (quotation marks and citation omitted). The jury's verdict indicates that it found the prosecution's circumstantial evidence sufficient from which to infer that defendant stole Reed's gun. We must defer to that inference, and we see no reason to deem it unreasonable. Accordingly, we reject defendant's argument that there was insufficient evidence to support his conviction for larceny of a firearm.

B. FELON IN POSSESSION AND CCW

Defendant next argues that the evidence was insufficient to support his felon-in-possession-of-a-firearm, felon-in-possession-of-ammunition, and CCW convictions because the prosecution failed to prove beyond a reasonable doubt that he possessed the gun. We disagree.

Possession is an element of both felon in possession of a firearm and ammunition. *People v Bass*, 317 Mich App 241, 267-268; 893 NW2d 140 (2016) (firearm); MCL 750.224f(1) (firearm) and (3) (ammunition). A CCW conviction, for its part, requires that a defendant "carry" a concealed pistol. MCL 750.227(2); see also *People v Brown*, 330 Mich App 223, 230; 946 NW2d 852 (2019). Both parties treat possession as an element of CCW, so we assume for purposes of this opinion that it can constitute an aspect of carrying a firearm. See *People v Hernandez-Garcia*, 477 Mich 1039, 1040 n 1; 728 NW2d 406 (2007) (stating, within the context of criminal-intent requirements, that "the CCW statute, MCL 750.227(2), requires only that a defendant knowingly *possess* a concealed weapon") (emphasis added).

A defendant's possession of a firearm "can be actual or constructive, joint or exclusive." *Johnson*, 293 Mich App at 83. Constructive possession exists when "the location of the weapon is known and it is reasonably accessible to the defendant." *Id*. Whether a defendant possessed a firearm is "a factual question for the trier of fact," which can be proven through either circumstantial or direct evidence. *Id*.

Viewing the evidence in the light most favorable to the prosecution, we conclude a rational jury could have found beyond a reasonable doubt that defendant possessed the Glock 40 pistol. The two responding officers testified that they found defendant alone in a vehicle, sleeping in the passenger seat. And when they searched him incident to arrest, they pulled a gun and ammunition from his jacket pockets. The jury also saw body-camera footage of defendant's arrest and search, in which the officers can be heard referencing their discovery of the ammunition and gun. From this evidence, the jury could find that defendant had actual possession of the firearm and ammunition.

Disagreeing, defendant attacks the weight and credibility of the evidence against him and offers alternative explanations consistent with his innocence. But a jury is "free to accept or reject the theory of either party in light of the evidence presented at trial," and we "will not interfere with the jury's role of determining issues of weight and credibility." *People v Ventour*, 349 Mich App 417, 428; 27 NW3d 660 (2023). What is more, the prosecution need not "disprove every reasonable theory consistent with innocence to discharge its responsibility" of proving each element of the charged crimes beyond a reasonable doubt. *People v Nowack*, 462 Mich 392, 400; 614 NW2d 78 (2000).

C. FELONY-FIREARM

Finally, defendant claims that his two felony-firearm convictions are invalid because the prosecution failed to present sufficient evidence of the felonies underlying those convictions—i.e., felon in possession of a firearm and felon in possession of ammunition. As already explained, however, the prosecution presented sufficient evidence to sustain each predicate-felony conviction. Defendant, therefore, fails to demonstrate entitlement to the requested relief as to his felony-firearm convictions.

III. CONCLUSION

For these reasons, we affirm defendant's convictions.

/s/ Brock A. Swartzle
/s/ Matthew S. Ackerman
/s/ Christopher M. Trebilcock