

## COA Opinion: Under the possession of burglar's tools statute the term depository includes motor vehicles

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In *People v. Osby* the Court of Appeals held that under MCL 750.116 the term depository includes motor vehicles. MCL 750.116 prohibits the possession of burglar's tools, which it defines as tools used to force or break open "any building, room, vault, safe or other depository." Defendant was convicted under the statute for carrying a "window punch," which the police believed was used to break car windows. On appeal defendant argued that there was insufficient evidence to convict him because the burglar's tools statute does not include a reference to motor vehicles. The Court of Appeals affirmed his conviction finding that the term depository is a catch all phrase that includes motor vehicles. The Court noted that Black's Law Dictionary 9<sup>th</sup> ed. defines depository as "a place where one leaves money or valuables for safekeeping" and went on to reason that the average person locks a vehicle and assumes that the contents will be relatively safe.