

COA Opinion: Completed larceny not required for armed robbery conviction

9. April 2010

In *People v. Williams*, No. 284585, published on April 8, 2010, the Michigan Court of Appeals examined whether a completed larceny is necessary to sustain a conviction for armed robbery. The majority concluded, based on the language of the statute, that an attempted larceny can constitute an armed robbery if the other elements are proven. The Court's opinion was authored by Judge Talbot and joined by Judge Owens. Judge Gleicher's dissenting opinion can be found [here](#).

In this case, the defendant pleaded guilty to armed robbery, but his plea contained an admission only that he intended to steal money and that he placed his hand under his coat, suggesting to the store clerk that he had a weapon. The trial court accepted the plea and convicted the defendant of armed robbery, sentencing him as an habitual offender to 24 to 40 years' imprisonment. Later, the defendant moved to withdraw his guilty plea, arguing that there was no demonstration that he actually took any property from the store. The only issue the Court of Appeals addressed was whether a completed larceny was required for an armed robbery conviction.

The armed robbery statute incorporates the definition of robbery, which states that a "person who, in the course of committing a larceny . . . uses force or violence against any person . . . is guilty of a felony." MCL 750.530(1). Subsection (2) of the statute provides: "[a]s used in this section, 'in the course of committing a larceny' includes acts that occur in an attempt to commit the larceny" The Court of Appeals determined based on a plain reading of the statute that a completed larceny was not required to convict a defendant for armed robbery.