

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

CRAIG V. HUDSON,

Defendant-Appellant.

UNPUBLISHED

July 23, 1996

No. 178356

LC No. 93-014314

Before: Griffin, P.J., and Bandstra and M. Warshawsky,* JJ.

PER CURIAM.

Defendant was convicted by a jury of aiding and abetting an assault with intent to murder, MCL 750.83; MSA 28.278, and was sentenced to a term of nine to twenty years' imprisonment. He appeals as of right. We affirm.

We reject defendant's claim that insufficient evidence was presented to prove that he assisted the alleged principal in the commission of the crime, that he either intended the crime or had knowledge that the principal intended its commission, or that the crime was committed with an intent to kill. *People v Taylor*, 422 Mich 554, 567; 375 NW2d 1 (1985); *People v Rockwell*, 188 Mich App 405, 411; 470 NW2d 673 (1991).

The evidence established that the victim was shot by a passenger in a van driven by defendant and that the victim and defendant were involved in a confrontation moments earlier. According to witnesses, defendant drove past the victim, stopped, and then backed up to where the victim was standing. Witnesses also testified that, immediately before the shots were fired, defendant tilted his seat back and opened his car door, thereby giving the gunman a clear line of fire. Viewed in a light most favorable to the prosecution, this evidence was sufficient to enable a rational trier of fact to conclude beyond a reasonable doubt that defendant assisted in the commission of the crime. *People v Hampton*, 407 Mich 354, 368; 285 NW2d 284 (1979); *People v Palmer*, 392 Mich 370, 378; 220 NW2d 393 (1974). Furthermore, there was testimony that the van's headlights were off as defendant

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

drove towards the victim and that defendant turned and whispered something to the gunman immediately before the shots were fired. This testimony, together with the testimony describing how defendant tilted his seat back and opened the car door as the shots were fired, supported an inference that defendant and the gunman were acting in concert and that defendant knew what was going to happen. Finally, the evidence that a gun was used, that three or four shots were fired, and that the victim was struck twice, once in the thigh and once in the back, viewed most favorably to the prosecution, was sufficient to support an inference of intent to kill. *Taylor, supra* at 567-568. Although defendant contends the witnesses were not credible, the credibility of the witnesses was for the jury to resolve. *People v Daniels*, 172 Mich App 374, 378; 431 NW2d 846 (1988).

Next, the record does not support defendant's claim that the trial court failed to impose an individualized sentence. Indeed, defendant was sentenced toward the lower end of the sentencing guidelines. See *People v Broden*, 428 Mich 343, 354-355; 408 NW2d 789 (1987). Defendant's sentence does not violate the principle of proportionality. *People v Milbourn*, 435 Mich 630; 461 NW2d 1 (1990).

We affirm.

/s/ Richard A. Bandstra

/s/ Meyer Warshawsky