STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

RANDY NEWSOME,

Defendant-Appellant.

UNPUBLISHED
July 23, 1996

No. 178915
LC No. 93-009912

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

PER CURIAM.

After a jury trial, defendant was convicted of possession of a firearm during the commission of a felony, MCL 750.227b; MSA 28.424(2). He appeals as of right. We affirm.

At trial, numerous witnesses testified that they witnessed an argument between defendant and Broderick Woods, the victim. These witnesses also indicated that defendant followed Woods into the housing project. Two of the witnesses testified that they saw defendant point the gun and shoot Woods. An additional witness indicated that she saw defendant being passed a gun, saw defendant walk into the housing project, and when asked if he was all right, defendant responded "Hell yeah. I'm gonna be all right" and five minutes later there were gun shots. The jury convicted defendant of felony-firearm, but acquitted him of first-degree murder or any of the lesser-included offenses.

On appeal, defendant contends that there was insufficient evidence presented at trial to convict him of felony-firearm. Specifically, defendant argues that there was insufficient evidence for the jury to find that defendant committed the underlying offense of first-degree murder or any of the lesser-included offenses. We disagree. In an appeal challenging sufficiency of the evidence, this Court must view the evidence in a light most favorable to the prosecution and determine whether a rational trier of fact could have found the essential elements of the offense were proven beyond a reasonable doubt. *People v Jaffray*, 445 Mich 287, 296; 519 NW2d 108 (1994).

Although the commission or attempted commission of a felony is an element of the felony-

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

firearm offense, it is not required that defendant be convicted of a felony or the attempt to commit a felony in order to be convicted of felony-firearm. *People v Lewis*, 415 Mich 443, 454-455; 330 NW2d 16 (1982); *People v Bonham*, 182 Mich App 130, 135-136; 451 NW2d 530 (1989). Conviction of felony-firearm may be read as an implicit finding that defendant did commit the felony. *Lewis, supra* at 452; *Bonham, supra* at 136.

The specific question before us is whether there was sufficient evidence presented for the jury to find that defendant committed the underlying felony as an element of felony-firearm. We find that there was sufficient evidence presented to sustain a finding that defendant committed first-degree murder or one of the lesser-included offenses. Although defendant claimed that he shot Woods in self-defense, all other evidence indicated that defendant had a gun, was engaged in an argument with Woods, purposefully followed Woods into the housing project, and shot Woods several times. At the very least, defendant's actions clearly constituted an intent to do great bodily harm or a wanton and willful disregard for the natural consequences of his actions, which would have been second-degree murder. *People v Miller*, 198 Mich App 494, 497; 499 NW2d 373 (1993). Accordingly, we conclude that there was sufficient evidence to sustain a conviction of felony-firearm.

We affirm.

/s/ Richard Allen Griffin
/s/ Richard A. Bandstra
/s/ Meyer Warshawsky