

STATE OF MICHIGAN  
COURT OF APPEALS

---

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

WILLIE ROWLS, III,

Defendant-Appellant.

---

UNPUBLISHED  
November 8, 1996

No. 175189  
LC No. 93-128336

Before: Markman, P.J., and McDonald and M. J. Matuzak\*, JJ.

PER CURIAM.

Following a jury trial, defendant was convicted of two counts of first-degree murder, MCL 750.316; MSA 28.548, and two counts of possession of a firearm during the commission of a felony, MCL 750.227b; MSA 28.424(2). Defendant now appeals as of right. We affirm.

First, defendant argues the trial court abused its discretion in admitting photographs (exhibits eight through eleven) of decedents. We disagree.

A trial court's decision to admit or exclude photographs is reviewed for an abuse of discretion. *People v Mills*, 450 Mich 61; 537 NW2d 909 (1995). Where substantively necessary or instructive to show material facts or condition, photographs are admissible. *People v Mooney*, 216 Mich App 367; \_\_\_ NW2d \_\_\_ (1996).

The challenged photographs were relevant because they demonstrated the angle of the wounds and that the shootings were, according to the medical examiner, a "close range firing." The photographs also addressed the element of premeditation in terms of the manner in which the crime occurred and also assisted the medical examiner in explaining the significance of the wounds. See *Mills*, *supra* at 72-73.

Although defendant contends the photographs were unduly gruesome, the prosecutor noted they were the "cleanest" of those available from the examiner and the trial court found them illustrative

---

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

with significant probative value. See MRE 403. The facts that a photograph is more effective than an oral description and, to that extent, likely to excite passion and prejudice, does not render the photograph inadmissible. *Mooney, supra* at 378. The trial court did not abuse its discretion in admitting these photographs.

Second, defendant contends the evidence was insufficient to support his convictions. When determining whether sufficient evidence has been presented to sustain a conviction, a 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 crime were proven beyond a reasonable doubt. *People v Wolfe*, 440 Mich 508; 489 NW2d 748 (1992).

In order to convict a defendant of first-degree murder, the prosecution must prove the defendant intentionally killed the victim and that the act of killing was premeditated and deliberate. *People v Anderson*, 209 Mich App 527; 531 NW2d 780 (1995). Premeditation and deliberation require sufficient time to allow the defendant to take a second look. *Id.* The elements of premeditation and deliberation may be inferred from the circumstances surrounding the killing. *Id.* Premeditation may be established through evidence of the following factors: (1) the prior relationship of the parties; (2) the defendant's actions before the killing; (3) the circumstances of the killing itself; and (4) the defendant's conduct after the killing. *Id.*

Viewed in a light most favorable to the prosecution, there was sufficient evidence presented to the jury to find the essential elements of first-degree murder beyond a reasonable doubt as to both convictions. Although defendant claims there was insufficient evidence to show he was the perpetrator of this crime, Gregory McGhee, a res gestae witness, testified he had a clear view of defendant the night of the shooting. McGhee later identified defendant at the physical line-up and then at trial. Another witness gave the police the partial license number of a vehicle outside of the store in which the shootings occurred that had been rented by a friend of defendant for defendant's use that evening. Further, defendant told a friend that he had killed a woman and a man on the evening of the shooting. Ample evidence was presented as to the issue of identity.

Defendant additionally challenges the evidence as to the question of premeditation as to both victims. Yet, defendant admitted to a friend that he shot Cole, a former girlfriend, because she had been telling people they had had sex. Further, Cole's gunshot wounds were sustained at close range, from less than two feet away according to Dr. Dragovic. Premeditation may be inferred based on defendant's prior relationship with Cole and the fact that he had stated that he was upset with her. See *People v Wofford*, 196 Mich App 275; 492 NW2d 747 (1992). Defendant's confession underscores the notion that he was able to plan his actions that evening.

Although defendant argues that there was no evidence presented to suggest that he had a prior relationship with Arafat to support the element of premeditation, it is clear that Arafat was not an accidental victim of a bullet intended for Cole. Arafat was the first victim that evening, shot at close range with a bullet to his chest. Given defendant's plan to avenge his former girlfriend at the party store,

it can be inferred that defendant anticipated the presence of a proprietor and intended to kill this person as part of his plan.

The facts support the conclusion defendant walked into the store with a loaded gun while his friend waited outside behind the wheel of the getaway car. After entering the store defendant said nothing and walked directly to the open door leading into the bullet proof glass enclosure and fatally shot Mr. Afrafat. Sufficient evidence was presented to support defendant's first-degree murder convictions as to both decedents.

Finally, defendant argued that he was denied the effective assistance of counsel. In order to establish a claim of ineffective assistance of counsel, defendant must show that counsel's standard fell below an objective standard of reasonableness and that the representations so prejudiced defendant so as to deprive him of a fair trial. *People v Pickens*, 446 Mich 298; 521 NW2d 797 (1994). We find no ineffective assistance of counsel in this case.

Defendant first contends that counsel was ineffective for failing to file any motions or hold evidentiary or pretrial hearings. Defendant also asserts that trial counsel failed to file a motion in limine or move for a directed verdict. Because defendant has failed to provide a detailed argument in support of this contention, he has waived it for purposes of appeal. *People v Jones (On Rehearing)*, 201 Mich App 449; 506 NW2d 542 (1993).

As for defendant's assertion that the photographic line-up was unduly suggestive and that counsel was ineffective for failing to challenge the procedures used, the record reveals that McGhee never made a positive identification at the photographic line-up and that defendant's photograph was never included in the line-up. McGhee later positively identified defendant at the subsequent physical line-up. This Court cannot discern how counsel's alleged error altered the outcome of this case. *Pickens, supra*.

Finally, defendant's vague claim that counsel was ineffective because defendant's photograph appeared in the "*Oakland Press*" approximately five days before trial and that McGhee had somehow seen the photographs before attending the physical line-up, is not supported by the record. McGhee testified on cross-examination that he never saw any photograph of defendant in any Oakland County paper or had viewed anything that would assist his memory at the physical line-up. Thus, no ineffective assistance of counsel occurred in this regard.

Affirmed.

/s/ Stephen J. Markman  
/s/ Gary R. McDonald  
/s/ Michael J. Matuzak