

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

LUTHER ROLAND,

Defendant-Appellant.

UNPUBLISHED

April 22, 1997

No. 189650

Recorder's Court

LC No. 95-1641 FH

Before: McDonald, P.J., and Reilly and O'Connell, JJ.

PER CURIAM.

Defendant and his friend, Joey Taylor, were “playing around pointing guns at each other.” Defendant’s handgun discharged, striking Taylor in the chest. Taylor died soon thereafter. With the bench sitting as trier of fact, defendant was convicted of careless, reckless or negligent use of a firearm with injury or death resulting. MCL 752.861; MSA 28.436(21). He was sentenced to a term of imprisonment of sixteen to twenty-four months. He now appeals as of right, and we affirm.

On appeal, defendant challenges the sufficiency of the evidence with respect to one element of the offense of which he was convicted, the element requiring carelessness, recklessness or negligence. When reviewing the sufficiency of the evidence, this Court views the evidence in the light most favorable to the prosecution to determine whether a rational trier of fact could have concluded that the essential elements of the crime were proven beyond a reasonable doubt. *People v Patterson*, 428 Mich 502, 524-525; 410 NW2d 733 (1987).

Our review indicates that sufficient evidence exists to support defendant’s conviction. To act carelessly is to act without “paying enough attention to what one does,” to act heedlessly. *Random House Webster’s College Dictionary*, p 206. Defendant pointed a loaded firearm at a person and then cocked it. Further, a statement of defendant was admitted into evidence at trial in which he admitted that he had not checked to determine whether the firearm was loaded. A rational trier of fact, *Patterson, supra*, could easily conclude that this constituted careless conduct. While defendant may have been reckless or negligent as well, carelessness alone is sufficient to satisfy the statute.

Affirmed.

/s/ Gary R. McDonald
/s/ Maureen Pulte Reilly
/s/ Peter D. O'Connell