

STATE OF MICHIGAN  
COURT OF APPEALS

---

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DENNIS SHELDON HILL,

Defendant-Appellant.

---

UNPUBLISHED

July 15, 1997

No. 193196

Recorder's Court

LC No. 95-005962

Before: Cavanagh, P.J., and Doctoroff and D.A. Teeple\*, JJ.

PER CURIAM.

Defendant appeals by right his bench trial conviction for assault with intent to murder and felony firearm, and resulting sentences of 15 to 30 years and 2 years imprisonment.

The trial court did not fail to properly articulate the reasons for the sentence imposed. To the contrary, the trial court spoke at some length about the circumstances of the offense. This was adequate articulation for purposes of appellate review. See *People v Triplett*, 432 Mich 568; 442 NW2d 622 (1989). Defendant's secondary assertion that the trial judge punished defendant for denying his guilt is without merit; having found defendant's guilt proven beyond a reasonable doubt at the conclusion of the bench trial, the trial judge was particularly well placed to reject the unsworn denials of involvement in the shooting which defendant presented during allocution. This record reflects that defendant was sentenced for the crime committed, not for his choice of plea.

Next, defendant contends that there was insufficient evidence of intent to support his conviction of assault with intent to murder. We disagree. When ascertaining whether sufficient evidence was presented at trial to support a conviction, this Court must view the evidence in a light most favorable to the prosecution and determine whether a rational trier of fact could find that the essential elements of the crime were proven beyond a reasonable doubt. *People v Wolfe*, 440 Mich 508, 515; 489 NW2d 748 (1992).

---

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

Circumstantial evidence and reasonable inferences arising from the evidence may constitute satisfactory proof of the elements of the offense, including the intent to kill. *People v Baker*, 216 Mich App 687, 690; 551 NW2d 195 (1996), lv gtd 454 Mich 892 (1997). Intent to kill may be inferred from the use of a dangerous weapon. *People v DeLisle*, 202 Mich App 658, 673; 509 NW2d 885 (1993). In the present case, defendant shot the victim in the stomach at close range. We conclude that there was sufficient evidence to support the conviction.

In his final issue, defendant claims that he was denied effective assistance of counsel at sentencing. A defendant that claims that he has been denied the effective assistance of counsel must establish that (1) the performance of his counsel was below an objective standard of reasonableness under prevailing professional norms and (2) a reasonable probability exists that, in the absence of counsel's unprofessional errors, the outcome of the proceedings would have been different. *People v Pickens*, 446 Mich 298, 302-303; 521 NW2d 797 (1994).

Defendant argues that his counsel was ineffective for admitting at sentencing that defendant had told him that he realized that "he was a cold-hearted, stubborn individual." However, a defendant must overcome the presumption that the challenged action might be considered sound trial strategy. *People v LaVearn*, 448 Mich 207, 216; 528 NW2d 721 (1995). In the present case, defense counsel was apparently trying to demonstrate that defendant was capable of rehabilitation in order to obtain a lighter sentence. The fact that defense counsel's strategy may not have worked does not constitute ineffective assistance of counsel. *People v Murph*, 185 Mich App 476, 479; 463 NW2d 156 (1990), modified with respect to sentencing 190 Mich App 707; 476 NW2d 500 (1991).

Defendant also claims that his counsel was not prepared for trial and failed to properly cross examine witnesses at trial. However, defendant has provided no citations to the record for examples of counsel's incompetence. We therefore deem this issue abandoned on appeal. See *People v Smyers*, 398 Mich 635, 642; 248 NW2d 156 (1976).

Affirmed.

/s/ Mark J. Cavanagh  
/s/ Martin M. Doctoroff  
/s/ Donald A. Teeple