

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DENIUM MICHAEL ROMAN,

Defendant-Appellant.

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UNPUBLISHED

August 26, 1997

No. 191864

Recorder's Court

LC No. 95-004994-FC

Before: Holbrook, Jr., P.J., and Fitzgerald and Smolenski, JJ.

PER CURIAM.

Defendant was convicted by the trial court of first-degree premeditated murder, MCL 750.316; MSA 28.548, and possession of a firearm during the commission of a felony, MCL 750.227b; MSA 28.424(2). Defendant was sentenced to consecutive terms of two years' imprisonment for the felony-firearm conviction and life in prison without parole for the murder conviction. Defendant appeals as of right. We affirm.

The trial court did not confuse the defense of diminished capacity with the defense of insanity. Viewing the evidence in a light most favorable to the prosecution, we conclude that sufficient evidence was presented from which a rational trier of fact could have found beyond a reasonable doubt that defendant had the mental ability or mental capacity to form the specific intent necessary to commit first-degree premeditated murder. *People v Hutner*, 209 Mich App 280, 282; 530 NW2d 174 (1995); *People v Haywood*, 209 Mich App 217, 229; 530 NW2d 497 (1995); *People v Jones*, 151 Mich App 1, 4-6; 390 NW2d 189 (1986). The trial court's findings with respect to the defense of diminished capacity and the elements of the crime of first-degree premeditated murder complied with the court rules and were not clearly erroneous. MCR 2.517(A)(2); MCR 2.613(C). Likewise the trial court's conclusions of law did not constitute error.

Affirmed.

/s/ Donald E. Holbrook, Jr.

/s/ E. Thomas Fitzgerald

/s/ Michael R. Smolenski