

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ZANNIE ROY JACKSON, JR.,

Defendant-Appellant.

UNPUBLISHED

April 11, 2006

No. 259429

Wayne Circuit Court

LC No. 04-001223-01

Before: Smolenski, P.J., and Owens and Donofrio, JJ.

MEMORANDUM.

Defendant was convicted, following a bench trial, of possession of a firearm during the commission of a felony, MCL 750.227b, and two counts of assault with intent to do great bodily harm less than murder, MCL 750.84. Defendant appeals as of right. We affirm.

On appeal, defendant challenges the sufficiency of the evidence that he intended to commit great bodily harm when he shot his former girlfriend, Allison Gray, and Michael Hudson. This Court reviews de novo a challenge to the sufficiency of the evidence in a bench trial. *People v Sherman-Huffman*, 241 Mich App 264, 265; 615 NW2d 776 (2000). In reviewing the sufficiency of the evidence, this Court views the evidence in the light most favorable to the prosecution to determine whether any rational trier of fact could have found that the essential elements of the crime were proven beyond a reasonable doubt. *People v Johnson*, 460 Mich 720, 722-723; 597 NW2d 73 (1999).

To prove assault with intent to do great bodily harm less than murder, the prosecution must prove the following elements beyond a reasonable doubt: (1) an attempt or threat with force or violence to do corporal harm to another, and (2) an intent to do great bodily harm less than murder. *People v Brown*, 267 Mich App 141, 147; 703 NW2d 230 (2005). An intent to do great bodily harm less than murder is “an intent to do serious injury of an aggravated nature.” *Id.*, quoting *People v Mitchell*, 149 Mich App 36, 39; 385 NW2d 717 (1986). A defendant’s intent may be inferred from the totality of the circumstances surrounding the assault, including the nature of the instrument employed in the assault and the defendant’s conduct and declarations prior to, at the time, and after the assault. *Brown, supra* at 149 n 5.

At trial, Allison Gray, defendant’s former girlfriend, testified that she was attending a dance when defendant arrived and asked, “was that your new man”, while motioning towards Michael Hudson. Gray stated that defendant then produced a handgun, pointed it at Hudson’s

head, said, “You’re next”, and fired. After defendant fired the gun, she testified that defendant turned toward her. Gray stated that she then covered her head, heard shots, and was shot in her left side. In addition to Gray’s testimony, Hudson testified that defendant approached him and put a gun in his face. Hudson stated that defendant had an expression on his face that made it clear that he intended to shoot. Hudson further testified that defendant actually shot him in his left arm.

Viewed in the light most favorable to the prosecution, this evidence supports the view that defendant produced the handgun with the intent to shoot both victims and thereby cause serious injuries of an aggravated nature. Hence, there was sufficient evidence that defendant had the requisite intent.

Affirmed.

/s/ Michael R. Smolenski

/s/ Donald S. Owens

/s/ Pat M. Donofrio