

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

GERALD LYNDON HILL,

Defendant-Appellant.

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UNPUBLISHED

June 17, 2010

No. 290913

Wayne Circuit Court

LC No. 08-013437-FH

Before: ZAHRA, P.J., and CAVANAGH and FITZGERALD, JJ.

MEMORANDUM.

Defendant appeals by right his bench trial conviction of felonious assault, MCL 750.82.<sup>1</sup> We affirm.

Defendant argues that the prosecution presented insufficient evidence to support his conviction. We disagree.

In actions tried without a jury, we review a trial court's factual findings for clear error and its conclusions of law de novo. MCR 2.613(C); *People v Connor*, 209 Mich App 419, 423; 531 NW2d 734 (1995). “The elements of felonious assault are (1) an assault, (2) with a dangerous weapon, and (3) with the intent to injure or place the victim in reasonable apprehension of an immediate battery.” *People v Chambers*, 277 Mich App 1, 8; 742 NW2d 610 (2007) (citation and quotation marks omitted); MCL 750.82. We view the evidence in the light most favorable to the prosecution, drawing all reasonable inferences in support of the verdict, and will affirm a bench trial conviction where the evidence justifies a rational trier of fact in finding that the essential elements of the crime were proved beyond a reasonable doubt. *People v Nowack*, 462 Mich 392, 399-400; 614 NW2d 78 (2000); *People v Nunez*, 242 Mich App 610, 615; 619 NW2d 550 (2000).

Complainant, defendant’s brother, maintained that defendant took a thick chain with a large lock on the end of it, struck complainant in the head with it from behind, and then proceeded to strike complainant repeatedly with the makeshift weapon on complainant’s

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<sup>1</sup> Defendant was acquitted of the charged offense of assault with intent to commit great bodily harm less than murder, MCL 750.84.

abdomen, waist, and knees. An eyewitness corroborated complainant's testimony, and the investigating officer corroborated complainant's injuries. Further, defendant admitted during trial that he used the weapon to repeatedly strike complainant. This testimony provides ample evidence to support the conviction.

Affirmed.

/s/ Brian K. Zahra  
/s/ Mark J. Cavanagh  
/s/ E. Thomas Fitzgerald