

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

SHAEEDA SELESTINA WILLIAMS,

Defendant-Appellant.

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UNPUBLISHED

March 22, 2005

No. 252038

Oakland Circuit Court

LC No. 2003-188261-FH

Before: Murray, P.J., and Markey and O’Connell, JJ.

MEMORANDUM.

Defendant appeals as of right her conviction of malicious destruction of property over \$1,000, MCL 750.377a(1)(b)(i), following a bench trial. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E). This case arose when defendant threw a can of paint on a real estate dealer’s car because she was irate that her landlord and his workers would not leave her house. The landlord was attempting to paint the house and fix a broken window and other defects. The dealer expressed interest in buying the rental house.

Defendant challenges the trial court’s finding of specific intent, arguing that (1) the trial court failed to address defendant’s alleged emotional disorders in its findings of fact, and (2) defendant’s passion and anger negate the requisite specific intent. “In reviewing a challenge to the sufficiency of the evidence, this Court analyzes the evidence presented 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 charged were proven beyond a reasonable doubt.” *People v Lundy*, 467 Mich 254, 257; 650 NW2d 332 (2002). Underlying issues of law are reviewed de novo. *People v McRae*, 469 Mich 704, 710; 678 NW2d 425 (2004).

To convict a defendant of malicious destruction of property, the prosecution must prove that the defendant intended to damage or destroy the particular property. *People v Nelson*, 234 Mich App 454, 459; 594 NW2d 114 (1999). However, the trier of fact can infer intent from the facts and circumstances. *People v McRunels*, 237 Mich App 168, 181; 603 NW2d 95 (1999). Here, the trial court could infer intent from the uncontroverted evidence that defendant angrily picked up a paint can from the front of the house, walked to the sidewalk area, and threw the container toward the vehicle five to ten feet away, while telling the group to leave her home.

Next, defendant suggests that her mother’s testimony that defendant suffered from emotional disorders was relevant to the intent determination. We disagree. In *People v*

*Carpenter*, 464 Mich 223, 239-241; 627 NW2d 276 (2001), the Supreme Court rejected the use of any evidence of the defendant's mental illness or disability to negate specific intent, outside actual legal insanity. Therefore, defendant's alleged mental illness was irrelevant, and the trial court was not required to relate its findings on the issue. MCR 2.517(A)(2).

Defendant also argues that passion and anger should negate specific intent because reasonably provoked passion can reduce murder to voluntary manslaughter. Defendant presents no legal authority to support this argument. A defendant's enraged mental state is usually evidence of specific intent to damage or destroy property, not a justification. See, *Nelson, supra* at 459. Moreover, the presence of a landlord to do work on one's house falls far short of provocation sufficient "to excite the passions beyond the control of reason," *People v Scott*, 6 Mich. 287, 292-293 (1859), so the trial court did not clearly err when it found that defendant maliciously damaged the property. *People v Mendoza*, 468 Mich 527, 540; 664 NW2d 685 (2003).

Affirmed.

/s/ Christopher M. Murray  
/s/ Jane E. Markey  
/s/ Peter D. O'Connell