

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

CALVIN CRAWFORD,

Defendant-Appellant.

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UNPUBLISHED  
February 18, 2003

No. 236120  
Jackson Circuit Court  
LC No. 01-000978-FH

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

PER CURIAM.

Defendant appeals as of right his conviction for felonious assault, MCL 750.82, and the sentence of four to fifteen years in prison. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant first argues that the trial court made insufficient findings of fact and conclusions of law and thus maintains that his convictions must be reversed. We disagree. The court found that the complainant was credible and specifically believed her testimony that defendant intentionally struck her in the face with a beer bottle. It is clear that the trial court was aware of the factual issues and resolved them, and that “further explication would not facilitate appellate review.” *People v Legg*, 197 Mich App 131, 135; 494 NW2d 797 (1992). Therefore, the trial court’s factual findings were sufficient. *Id.*

Defendant’s related argument that the evidence was insufficient to support his conviction for felonious assault is likewise without merit. Specific intent can be express, or it can be inferred from the facts and circumstances surrounding the incident. *People v Beaudin*, 417 Mich 570, 575; 339 NW2d 461 (1983). Here, viewing the evidence in a light most favorable to the prosecution, there was sufficient evidence that defendant deliberately intended to injure the complainant when he struck her in the face with a glass beer bottle during an unprovoked attack. *People v Avant*, 235 Mich App 499, 505; 597 NW2d 864 (1999).

Defendant next argues that the trial court erred by failing to rely on accurate information in imposing his sentence, which was at the high end of the scored sentencing guidelines. If the minimum sentence imposed is within the guidelines range, this Court must affirm and may not remand for resentencing absent an error in the scoring of the sentencing guidelines or absent inaccurate information relied upon in determining the defendant’s sentence. MCL 769.34(10), *People v Lerversee*, 243 Mich App 337, 348; 622 NW2d 325 (2000). Because defendant failed to

raise his challenge below, he has forfeited this claim of error unless he can demonstrate a plain error affecting his substantial rights. MCR 6.429(C); MCL 769.34(10); *People v Kimble*, 252 Mich App 269, 275-276; 651 NW2d 798 (2002).

Defendant claims that the trial court improperly found that he was intoxicated when he committed the instant offense. However, the trial court only indicated that the assault may have been alcohol related. Moreover, defense counsel admitted that defendant had an extensive substance abuse problem involving alcohol and that the instant assault occurred when defendant had been drinking and had been refused access to the bar by the complainant. Defendant has forfeited this claim of error.

Defendant next argues that the trial court erroneously concluded that “assaultive behavior certainly is not out of character for you.” The information in defendant’s presentence investigation report fully supports the trial court’s findings in that at least eight of defendant’s previous convictions involved assaultive conduct. This claim of error is without merit.

Defendant lastly argues that the trial court improperly found that the fact that defendant “maxed out” in his last prison sentence was indicative of behavior problems. However, defendant does not challenge the factual information upon which the court relied, but instead challenges the court’s conclusion. This finding thus does not constitute grounds for resentencing. MCL 769.34(10). In addition, defendant is unable to show that the court would have sentenced him differently without this finding.

Affirmed.

/s/ Peter D. O’Connell  
/s/ E. Thomas Fitzgerald  
/s/ Christopher M. Murray