

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

OTHA CLEVELAND JEFFERSON,

Defendant-Appellant.

UNPUBLISHED

January 10, 1997

No. 190092

Wayne County

LC No. 93-004083

Before: Corrigan, P.J., and Sullivan* and T.G. Hicks,** JJ.

PER CURIAM.

Defendant appeals by right his bench trial conviction of assault with intent to commit murder, MCL 750.83; MSA 28.278, and sentence to a five to fifteen year term of imprisonment. We affirm.

Defendant argues that the evidence is insufficient to support his conviction; he asserts specifically that the prosecution failed to prove that he intended to kill the victim. We disagree.

Viewing the evidence in the light most favorable to the prosecution, we conclude that a rational trier of fact could have found that the prosecution proved defendant's intent to kill the victim beyond a reasonable doubt. *People v Wolfe*, 440 Mich 508, 515; 489 NW2d 748 (1992), modified on other grounds 441 Mich 1201 (1993). A defendant's intent to kill may be inferred from any facts in evidence. *People v James Johnson*, 215 Mich App 658, 672; 547 NW2d 65 (1996). Because defendant repeatedly stabbed the victim in vital areas, wounded the victim after threatening to kill her, and pursued the victim after she broke free from him, we conclude that a rational trier of fact could have inferred from the evidence that defendant intended to kill the victim.

Defendant also claims that the trial court erred in denying his motion for a directed verdict at the close of the prosecutor's case in chief. We disagree. Because testimony from the prosecution's witnesses was sufficient for a rational trier of fact to find that defendant intended to kill the victim, we

* Former Court of Appeals judge, sitting on the Court of Appeals by assignment.

** Circuit judge, sitting on the Court of Appeals by assignment.

conclude that the trial court properly denied defendant's motion. *People v John Davis*, 216 Mich App 47, 52-54; 549 NW2d 1 (1996).

Finally, defendant claims that the trial court's findings of fact on the element of intent were insufficient to support his conviction. Defendant contends that the court's findings were insufficient because the court did not specifically state that it *found* that defendant had the intent to kill, but stated only that one *could infer* that defendant had the intent to kill. We disagree.

Defendant's argument is not only frivolous, it is unsupported by the record. The trial court specifically found that defendant acted with intent. Further, because the findings reflect that the trial court was aware that the prosecution had to prove that defendant had the specific intent to kill the victim, and the court correctly applied the law to the facts, its findings were sufficient under MCR 2.517(A). *People v Kerry Smith*, 211 Mich App 233, 235; 535 NW2d 248 (1995).

Affirmed.

/s/ Maura D. Corrigan

/s/ Joseph B. Sullivan

/s/ Timothy G. Hicks