

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

RONALD FRAZIER,

Defendant-Appellant.

UNPUBLISHED

August 26, 1997

No. 187804

Recorder's Court

LC No. 92-011778-FC

Before: Wahls, P.J., and Taylor and Hoekstra, JJ.

PER CURIAM.

Defendant appeals as of right from his jury trial convictions of two counts of assault with intent to do great bodily harm, MCL 750.84; MSA 28.279, and one count of assault with intent to murder, MCL 750.83; MSA 28.278. Defendant was sentenced to concurrent terms of four to ten years' imprisonment for each of the assault with intent to do great bodily harm convictions, and eight to fifteen years for the assault with intent to murder conviction. We affirm.

Defendant argues that there was insufficient evidence to support his convictions. We disagree. In reviewing a claim regarding the sufficiency of the evidence, we view the evidence in the light most favorable to the prosecution to determine whether a rational trier of fact could conclude that the elements of the offense have been proven beyond a reasonable doubt. *People v Jones (On Rehearing)*, 201 Mich App 449, 451; 506 NW2d 542 (1993).

At trial, the prosecution conceded that defendant was not the actual shooter, and proceeded on the theory that defendant was an aider and abettor. Pursuant to MCL 767.39; MSA 28.979, one who "procures, counsels, aids, or abets" in the commission of a crime may be convicted as if that person had directly committed the offense. In *People v Turner*, 213 Mich App 558, 568; 540 NW2d 728 (1995), this Court stated that:

[t]o support a finding that a defendant aided and abetted a crime, the prosecutor must show that (1) the crime charged was committed by the defendant or some other person, (2) the defendant performed acts or gave encouragement that assisted the commission of the crime, and (3) the defendant intended the commission of the crime or had

knowledge that the principal intended its commission at the time he gave aid and encouragement.

The trier of fact may infer the aider and abettor's state of mind from all the facts and circumstances. *Id.* The amount of advice or encouragement given is not material as long as the net effect was to induce the commission of a crime. *People v Wright*, 44 Mich App 111, 116-117; 205 NW2d 62 (1972).

Based on our review of the facts established at trial, we find that sufficient evidence was introduced for a rational trier of fact to conclude beyond a reasonable doubt that defendant was guilty of aiding and abetting the perpetration of these crimes. Defendant, who had lent \$20.00 to one of the victims, Erroll White, had been demanding repayment for some time. On the date of the offense, after White again told defendant that he did not have the money, defendant stated that "it doesn't look like I'm going to get my money and I'm going to go about it another way." A mere ten minutes later, defendant dropped off the person identified at trial as the shooter at the incident location. The shooter, who apparently had no dispute with White, had a very brief conversation with White, and then he proceeded to fire shots into the residence, injuring White, his sister's boyfriend, and his sister's seven-month-old daughter. The shooter had been with defendant on prior occasions during which defendant had attempted to collect the debt from White, including one occasion when defendant passed a gun into the back seat of a car where the shooter was sitting, and another occasion when defendant and the shooter were carrying bats and sticks. We believe these facts and circumstances, and the reasonable inferences that may be drawn from them, constitute sufficient proof of defendant's guilt as an aider and abettor to these crimes. *People v Lawton*, 196 Mich App 341, 350; 492 NW2d 810 (1992).

Affirmed.

/s/ Myron H. Wahls
/s/ Clifford W. Taylor
/s/ Joel P. Hoekstra