

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JOSEPH T. JETTON,

Defendant-Appellant.

UNPUBLISHED

September 11, 1998

No. 195502

Recorder's Court

LC No. 95-010125

Before: Holbrook, Jr., P.J., and Wahls and Cavanagh, JJ.

MEMORANDUM.

Following a bench trial, defendant was convicted of second-degree murder, MCL 750.317; MSA 28.549, and possession of a firearm during the commission of a felony (hereinafter "felony-firearm"), MCL 750.227b; MSA 28.424(2). Defendant was sentenced to consecutive prison terms of twenty-five years' for the second-degree murder conviction and two years' imprisonment for the felony-firearm conviction. Defendant appeals as of right. We affirm.

Defendant argues that there was insufficient evidence to establish that he had the requisite intent for second-degree murder. We disagree. Viewing the evidence presented in a light most favorable to the prosecutor, *People v Petrella*, 424 Mich 221, 269; 380 NW2d 11 (1985), a rational trier of fact could find beyond a reasonable doubt that, by pointing a handgun at decedent, while standing but a short, unobstructed distance from decedent, and firing the weapon three times without justification or excuse, defendant acted with either "an intent to kill, an intent to inflict great bodily harm, or an intent to create a very high risk of death with the knowledge that the act probably will cause death or great bodily harm." *People v Dykhouse*, 418 Mich 488, 509; 345 NW2d 150 (1984). We will not assess the credibility of the witnesses anew. *People v Vaughn*, 186 Mich App 376, 380; 465 NW2d 365 (1990).

Affirmed.

/s/ Donald E. Holbrook, Jr.

/s/ Myron H. Wahls

/s/ Mark J. Cavanagh

