

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MATTHEW BUCHANAN,

Defendant-Appellant.

UNPUBLISHED

December 11, 1998

No. 202987

Muskegon Circuit Court

LC No. 96-140126 FH

Before: Griffin, P.J., and Neff and Bandstra, JJ.

PER CURIAM.

Defendant was convicted by a jury of first-degree premeditated murder, MCL 750.316; MSA 28.548, and possession of a firearm during the commission of a felony, MCL 750.227b; MSA 28.424(2). He was sentenced to life imprisonment without parole for the first-degree murder conviction and a consecutive two-year term for the felony-firearm conviction. He appeals as of right. We affirm.

Defendant claims that there was insufficient evidence of premeditation and deliberation to sustain his conviction of first-degree murder. We disagree. Viewed in a light most favorable to the prosecution, the evidence was sufficient to enable a rational trier of fact to find beyond a reasonable doubt that, between defendant's initial statement expressing an intent to kill the victim and his carrying out of that intent, there was ample time and opportunity to take a "second look." *People v Plummer*, 229 Mich App 293, 299-300; 581 NW2d 753 (1998). Premeditation may be inferred by defendant's threat to kill the victim, his procurement of a weapon, the circumstances of the killing itself, and defendant's statements and conduct after the killing. *People v Anderson*, 209 Mich App 527, 537; 531 NW2d 780 (1995).

Defendant also claims that the trial court improperly found evidence of a conspiracy and, therefore, erred in admitting certain statements allegedly made in furtherance of that conspiracy. Again, we disagree. Our review of the evidence reveals that proof of a conspiracy between defendant and his wife to kill the victim was independently established by a preponderance of the evidence. *People v Vega*, 413 Mich 773, 782; 321 NW2d 675 (1982). Independent proof of the conspiracy having been

established, the statements of the coconspirator made during the course and in furtherance of the conspiracy were admissible under MRE 801(d)(2)(E). *Id.* at 780.

Affirmed.

/s/ Richard Allen Griffin

/s/ Janet T. Neff

/s/ Richard A. Bandstra