

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ANTHONY EDMONDS,

Defendant-Appellant.

UNPUBLISHED

February 19, 1999

No. 202468

Recorder's Court

LC No. 96-005097

Before: Markman, P.J., and Bandstra and J.F. Kowalski*, JJ.

MEMORANDUM.

Defendant was convicted of attempted arson of a dwelling house, MCL 750.92; MSA 28.287; MCL 750.72; MSA 28.267, and sentenced to forty to sixty months' imprisonment. Defendant appeals as of right. We affirm.

Viewing the evidence in a light most favorable to the prosecutor, a rational trier of fact could find beyond a reasonable doubt that defendant specifically intended to burn the victims' dwelling and that he undertook an act beyond mere preparation where the evidence indicates that defendant threw a sixty-four ounce bottle containing gasoline and from which hung an ignited wick at the victims' residence and, hence, that the elements of attempted arson of a dwelling house had been established beyond a reasonable doubt. *People v Jones*, 443 Mich 88, 100; 504 NW2d 158 (1993); *People v Wolfe*, 440 Mich 508, 515; 489 NW2d 748 (1992), amended 441 Mich 1201 (1992); *People v Williams*, 114 Mich App 186, 193; 318 NW2d 671 (1982). The fact that the jury acquitted defendant of the charge of possession of a Molotov cocktail does not render the evidence insufficient to support his attempt conviction. A jury may exercise its mercy-dispensing power to release a defendant from some of the consequences of the defendant's actions without absolving the defendant from all responsibility for the defendant's criminal

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

actions. *People v Vaughn*, 409 Mich 463, 465-466; 295 NW2d 354 (1980).

Affirmed.

/s/ Stephen J. Markman

/s/ Richard A. Bandstra

/s/ John F. Kowalski