

STATE OF MICHIGAN  
COURT OF APPEALS

---

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

OLIVER WOODS,

Defendant-Appellant.

---

UNPUBLISHED

September 10, 1999

No. 205972

Recorder's Court

LC No. 96-008301

Before: Markman, P.J., and Saad and P.D. Houk,\* JJ.

MEMORANDUM.

Defendant appeals by right his bench trial convictions of assault with intent to commit murder, MCL 750.83; MSA 28.278, and possession of a firearm during the commission of a felony, MCL 750.227b; MSA 28.424(2), for which he was sentenced to seven to twenty years' imprisonment and two years' consecutive imprisonment, respectively. We affirm.

On appeal, defendant contends that the evidence is insufficient to prove beyond a reasonable doubt that he had the intent to kill, but rather the evidence only shows an intent to injure or an intent to do great bodily harm. We disagree.

An intent to kill may be inferred from facts in evidence. *People v Taylor*, 422 Mich 554, 567-568; 375 NW2d 1 (1985). The act of intentionally discharging a firearm at someone within range supports such an inference. *People v Johnson*, 54 Mich App 303, 304; 220 NW2d 705 (1974). Here, there was testimony that defendant aimed and fired a handgun at the victim from a distance of approximately ten feet, with one bullet striking the front driver's side door of the victim's car as he attempted to drive away and another bullet entering a tire on the victim's car. Additionally, there was testimony that defendant later fired a bullet through a doorway where the victim was standing, from a distance of approximately fifteen feet. The circumstances of either shooting, when viewed in a light most favorable to the prosecution, are sufficient to allow a rational trier of fact to find that all of the elements of the offense of assault with intent to murder were proven beyond a reasonable doubt. *People v Jaffray*, 445 Mich 287, 296; 519 NW2d 108 (1994).

---

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

Affirmed.

/s/ Stephen J. Markman

/s/ Henry William Saad

/s/ Peter D. Houk