

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

AARON E. TISDALE,

Defendant-Appellant.

UNPUBLISHED

March 31, 2000

No. 210027

Wayne Circuit Court

LC No. 97-004277

Before: Wilder, P.J., and Sawyer and Markey, JJ.

MEMORANDUM.

Defendant appeals as of right his conviction after a bench trial of assault with intent to murder, MCL 750.83; MSA 28.278, and felony-firearm, MCL 750.227b; MSA 28.424(2). We affirm.

On appeal, defendant argues that the evidence was insufficient to establish the requisite intent to support his conviction of assault with intent to murder. We disagree.

When determining whether sufficient evidence has been presented to sustain a conviction, a court must view the evidence in a light most favorable to the prosecution and determine whether any rational finder of fact could have found that the essential elements of the crime were proven beyond a reasonable doubt. *People v Wolfe*, 440 Mich 508, 515; 489 NW2d 748 (1992), modified on other grounds 441 Mich 1201 (1995). To establish that defendant committed assault with intent to murder, the prosecutor must present proof that there was an assault, with the intent to kill, under circumstances that, if successful, would make the killing murder. *People v Lawton*, 196 Mich App 341, 350; 492 NW2d 810 (1992). Circumstantial evidence and reasonable inferences arising from the evidence may constitute satisfactory proof of the elements of the offense. *Id.* The intent to kill may be proved by drawing reasonable inferences from any facts in evidence. *Id.*

Here, there was sufficient evidence to support a finding of the requisite specific intent. Viewed in a light most favorable to the prosecution, the evidence showed that after arguing with the victim, defendant left the room and returned with a gun. Defendant pointed the gun at the victim, then they struggled with the gun. After the victim released the gun and left the room, defendant shot her in the back. After she was hit, defendant fired three more times. Before leaving the house, defendant said,

“Bitch, you lose.” The victim sustained serious wounds. On this record, the trial court could reasonably find that defendant had the intent to murder the victim.

Affirmed.

/s/ Kurtis T. Wilder
/s/ David H. Sawyer
/s/ Jane E. Markey