

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

CHARLES W. TAYLOR III,

Defendant-Appellant.

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UNPUBLISHED

June 20, 2000

No. 211357

Wayne Circuit Court

Criminal Division

LC No. 97-005787

Before: Cavanagh, P.J., and Sawyer and Zahra, JJ.

PER CURIAM.

Defendant was convicted of assault with intent to do great bodily harm less than murder, MCL 750.84; MSA 28.279, and possession of a firearm during the commission of a felony, MCL 720.227b; MSA 28.424(2). He was sentenced as a second habitual offender, MCL 769.10; MSA 28.1082, to ten to fifteen years' imprisonment for the assault with intent to do great bodily harm less than murder conviction, to be served consecutive to a two-year term for the felony-firearm conviction. Defendant appeals as of right. We affirm.

Defendant first argues that there was insufficient evidence to support his assault conviction. We disagree. When reviewing the sufficiency of the evidence in a criminal case, we must view the evidence in a light most favorable to the prosecution and determine whether a rational trier of fact could find that the essential elements of the crime were proven beyond a reasonable doubt. *People v Wolfe*, 440 Mich 508, 515; 489 NW2d 748, amended 441 Mich 1201 (1992); *People v Griffin*, 235 Mich App 27, 31; 597 NW2d 176 (1999). We shall not interfere with the role of the jury to weigh the evidence and determine the credibility of testimony. *Wolfe, supra* at 514-515.

The elements of assault with intent to do great bodily harm less than murder are: “(1) an attempt or threat with force or violence to do corporal harm to another (an assault), and (2) an intent to do great bodily harm less than murder.” *People v Parcha*, 227 Mich App 236, 239; 575 NW2d 316 (1997), citing *People v Harrington*, 194 Mich App 424, 428; 487 NW2d 479 (1992). Here, defendant only challenges the sufficiency of the evidence supporting the intent element. That element requires that a defendant possess the specific intent to commit great bodily harm, or, in other words, the intent to do

serious injury of an aggravated nature. *Parcha, supra* at 239; *People v Mitchell*, 149 Mich App 36, 39; 385 NW2d 717 (1986). The specific intent may be inferred from facts and circumstances surrounding the case as well as from inferences arising from the evidence, but is not satisfied merely by the nature of the injuries inflicted. *People v Beaudin*, 417 Mich 570, 575; 339 NW2d 461 (1983); *People v Emerson*, 319 Mich 225, 228; 29 NW2d 161 (1947).

In the present case, there was sufficient evidence that defendant acted with the requisite intent. The evidence showed that, on May 19, 1997, at approximately 4:00 a.m., defendant called his ex-girlfriend, Jerolyn Christian's, home and the victim answered the phone. A few hours later, Christian and the victim were awoken by the sound of a window smashing. The victim testified that defendant entered the bedroom where he and Christian had been sleeping and pointed a gun at him. Without saying anything, defendant shot the victim in the chest at close range. As the victim lie bleeding, defendant angrily told the victim that he would now have to go back to prison and do more time. Defendant's conversation suggested he felt betrayed by Christian. Defendant repeatedly threatened to kill himself and held the gun to his head. Defendant told the victim that he could leave if he could stand up and walk away on his own. The elements of an offense may be proved by circumstantial evidence and reasonable inferences arising from the evidence. *People v Jolly*, 442 Mich 458, 466; 502 NW2d 177 (1993); *People v Kelly*, 231 Mich App 627, 642; 588 NW2d 480 (1998). Considering the evidence in a light most favorable to the prosecution, there was sufficient evidence to allow the jury to infer defendant intended to shoot the victim and to cause him great bodily harm.

Defendant next argues that his presentence investigation report was inaccurate and that this case should be remanded for correction of the report. We disagree. At sentencing, defendant acknowledged that he reviewed the report and that all the information in the report was accurate. Because defendant failed to timely object at sentencing to the accuracy of the presentence report and has not demonstrated that his later challenge of the report was brought as soon as alleged inaccuracies could have reasonably been discovered, he failed to preserve this issue for appellate review. MCR 6.429(C); *People v Bailey (On Remand)*, 218 Mich App 645, 647; 554 NW2d 391 (1996).

Finally, defendant argues that he was denied his right to a speedy trial. We disagree. Defendant was arraigned on the charges on May 21, 1997. On August 1, 1997, he waived preliminary examination and requested a competency examination. Defendant was found competent. Jury selection commenced on February 12, 1998, and the trial began the following week. Under such circumstances, defendant was not denied a speedy trial. See *People v Cain*, 238 Mich App 95, 112; 605 NW2d 28 (1999). Insofar as defendant argues that the prosecutor failed to comply with the 180-day rule, that argument is without merit. There was no delay in bringing defendant to trial that is attributable to the prosecution. See MCR 6.004(D)(1); *People v Chavies*, 234 Mich App 274, 278; 593 NW2d 655 (1999).

Affirmed.

/s/ Mark J. Cavanagh  
/s/ David H. Sawyer  
/s/ Brian K. Zahra