

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ROUAL X. WILLIAMS,

Defendant-Appellant.

UNPUBLISHED

December 26, 2000

No. 215833

Wayne Circuit Court

LC No. 98-000862

Before: Gribbs, P.J., and Kelly and Sawyer, JJ.

PER CURIAM.

Defendant was convicted following a jury trial of four counts of assault with intent to do great bodily harm less than murder, MCL 750.84; MSA 28.279, two counts of felonious assault, MCL 750.82; MSA 28.277, intentionally discharging a firearm at a law enforcement vehicle, MCL 750.234c; MSA 28.431(3), and possession of a firearm during commission of a felony, MCL 750.227b; MSA 28.424(2). The trial court sentenced defendant to concurrent terms of six to ten years' imprisonment on each of the four assault with intent to do great bodily harm less than murder convictions, two to four years on each of the two felonious assault convictions, and two to four years on the intentional discharge of a firearm at a law enforcement vehicle conviction. Defendant was also sentenced to a consecutive two year term for felony-firearm. On appeal, defendant challenges only his convictions for assault with intent to do great bodily harm. We affirm.

Defendant's sole issue on appeal is whether the evidence was sufficient to sustain defendant's four convictions for assault with intent to do great bodily harm less than murder. Defendant argues that, because he failed to hit any of the officers or their cars when he shot at them during a high speed chase, a reasonable trier of fact could not have found beyond a reasonable doubt that he intended to injure them. We disagree.

We resolve a challenge to the sufficiency of the evidence by reviewing de novo the evidence presented in the light most favorable to the prosecution to determine whether a rational trier of fact could find the essential elements of the charge proven beyond a reasonable doubt. *People v Johnson*, 460 Mich 720, 722-723; 597 NW2d 73 (1999); *People v Wolfe*, 440 Mich 508, 515; 489 NW2d 748, amended 441 Mich 1201 (1992).

Assault with intent to do great bodily harm less than murder has two elements, (1) an attempt or offer with force or violence to do corporal hurt to another (an assault), (2) coupled with an intent to do great bodily harm less than murder. *People v Harrington*, 194 Mich App 424, 428; 487 NW2d 479 (1992). Specific intent is required. *People v Parcha*, 227 Mich App 236, 239; 575 NW2d 316 (1997). This specific intent may be inferred from circumstantial evidence. *People v Nowack*, 462 Mich 392, 400; 614 NW2d 78 (2000).

Defendant contends that because his shots missed not only the police officers, but their cars, the evidence does not establish that he intended to do great bodily harm. There is no merit to this claim. As this Court observed in *Harrington*, *supra* at 430, “Contrary to defendant’s argument in this case, the fact that the bullet missed the victim does not negate the intent element. No actual physical injury is required for the elements of the crime to be established.” See also *People v Davis*, 315 Mich 342, 350; 24 NW2d 145 (1946); *People v Crook*, 162 Mich App 106; 412 NW2d 661 (1987). The evidence here established that defendant was firing out of an open car door and that the officers were firing back. Defendant was riding in a speeding, weaving, rapidly turning vehicle that was missing a tire and riding on its metal rim, while another tire was flat. The police cars defendant was firing at were also driving very fast, weaving, and altering their speeds to avoid being hit. There was ample evidence from which a rational trier of fact could have concluded that defendant intended to shoot the police officers, and missed.

Affirmed.

/s/ Roman S. Gribbs

/s/ Michael J. Kelly

/s/ David H. Sawyer