

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DEMON RICHARDS,

Defendant-Appellant.

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UNPUBLISHED

August 20, 2002

No. 233209

Wayne Circuit Court

LC No. 00-002795

Before: White, P.J., and Neff and Jansen, JJ.

PER CURIAM.

Defendant appeals as of right from a conviction of assault with intent to do great bodily harm less than murder, MCL 750.84, for which he was sentenced to four to ten years in prison. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

In reviewing a nonjury criminal case, this Court “is required to review the entire record to determine whether the trial judge clearly erred.” *People v Rush*, 48 Mich App 478, 482; 210 NW2d 467 (1973). This Court must review the record to determine whether there was sufficient evidence to warrant a verdict of guilty beyond a reasonable doubt. *People v Garcia*, 398 Mich 250, 263; 247 NW2d 547 (1976), overruled on other grounds, *People v Dalessandro*, 165 Mich App 569; 419 NW2d 609 (1988). The trial court’s factual findings are reviewed for clear error. A finding of fact is considered “clearly erroneous if, after review of the entire record, the appellate court is left with a definite and firm conviction that a mistake has been made.” *People v Gistover*, 189 Mich App 44, 46; 472 NW2d 27 (1991).

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). “Great bodily harm means a physical injury that could seriously and permanently harm the health or function of the body.” CJI2d 17.7(4). This is a specific intent crime, *Parcha, supra*, and the defendant’s intent may be inferred from all the facts and circumstances surrounding the crime. *People v Lugo*, 214 Mich App 699, 709-710; 542 NW2d 921 (1995). The defendant’s intent can be inferred from the defendant’s acts, the means employed to commit the assault itself, and the extent of the victim’s injuries, although actual physical injury is not a necessary element of the crime. *People v Harrington*, 194 Mich App 424, 430; 487 NW2d 479 (1992); *People v Cunningham*, 21 Mich App 381, 384; 175 NW2d 781 (1970); CJI2d 17.7(4).

The victim testified that defendant repeatedly hit and kicked him about the body. Photographs showed a severely beaten man. An investigating police officer said the victim was bleeding profusely and there was blood all over defendant's living room. Six of the victim's teeth were knocked out and a blood vessel in his eye was ruptured. Such evidence, if believed, is sufficient to enable a rational trier of fact to find that the elements of the crime had been proved beyond a reasonable doubt. Although defendant denied his involvement, the factfinder "may choose to believe or disbelieve any witness or any evidence presented in reaching a verdict." *People v Cummings*, 139 Mich App 286, 293-294; 362 NW2d 252 (1984). Because the trial court is in the best position to judge credibility, this Court will not substitute its judgment for that of the trial court but will defer to the trial court's resolution of factual issues that involve the credibility of witnesses. *People v Cartwright*, 454 Mich 550, 555; 563 NW2d 208 (1997); *People v Martin*, 199 Mich App 124, 125; 501 NW2d 198 (1993).

Affirmed.

/s/ Helene N. White  
/s/ Janet T. Neff  
/s/ Kathleen Jansen