

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

LOUIS RAMON PIRTLE,

Defendant-Appellant.

UNPUBLISHED

October 8, 2002

No. 228706

Kent Circuit Court

LC No. 99-008071-FH

Before: Fitzgerald, P.J., and Holbrook, Jr. and Cavanagh, JJ.

PER CURIAM.

Defendant was convicted of carrying a concealed weapon, MCL 750.227, felon in possession of a firearm, MCL 750.224f, carrying a firearm with unlawful intent, MCL 750.226, and possession of a firearm during the commission of a felony, MCL 750.227b. He was sentenced as an habitual offender, fourth offense, MCL 769.12, to three concurrent prison terms of 4½ to twenty years and to a consecutive two-year term for the felony-firearm conviction. Defendant appeals as of right. We affirm.

This case arises from an incident where defendant, in his car, chased his fiancée, Yikie Davis, and her aunt, Linda Williams, in their car, with a loaded gun. The evening before this incident occurred, defendant and Davis engaged in an altercation to which police were summoned. The next morning Davis reported the altercation to defendant's parole officer, who in turn warned defendant that this type of behavior could be a violation of his parole. Later that morning, Davis spotted defendant driving toward her and Williams in opposing traffic. Defendant, upon seeing Davis, made a U-turn and began to follow the women.

Williams was frightened and began speeding and driving through traffic signs and signals in an attempt to lose defendant. Traffic forced Williams to halt at a stoplight. Defendant pulled up behind the women, stopped his car, got out, went around to the trunk and retrieved a gun. He then placed the gun next to him in the car. Both women witnessed this action, and Williams immediately sped off, driving recklessly through a red light and the wrong way down a one-way street, toward the police station. Defendant pursued.

The women arrived at the police station and reported that defendant was following them. Police were able to apprehend defendant immediately because he was driving back and forth in front of the police station. A search of defendant's vehicle revealed a loaded gun with the safety off and a box of ammunition for the gun on the console next to the driver's seat.

Defendant indicated in a statement to police that he found the gun and that he was on his way to the police station to turn it in. He claimed that he obtained the ammunition after finding the gun. He also explained that he followed the women because he wanted to talk to Davis about her conversation with his parole officer.

Defendant challenges the sufficiency of the evidence concerning his intent to commit the crime of carrying a firearm with unlawful intent. In reviewing the sufficiency of the evidence, we must view the evidence in the light most favorable to the prosecutor 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 Johnson*, 460 Mich 720, 723; 597 NW2d 73 (1999).

To prove the offense of carrying a firearm with unlawful intent, the prosecutor must establish that the defendant was carrying a firearm with unlawful intent, MCL 750.226, CJI2d11.17. Defendant argues that the evidence introduced by the prosecution required the jury to make inferences in order to arrive at its conclusion that defendant had unlawful intent, and that this element cannot be established by mere inferences. We disagree.

Intent may be inferred from all the facts and circumstances. *People v Safiedine*, 163 Mich App 25, 29; 414 NW2d 143 (1987), *People v Daniels*, 163 Mich App 703, 706; 415 NW2d 282 (1987). Viewing the evidence in a light most favorable to the prosecution, the jury could have reasonably found based on the circumstances that defendant had unlawful intent. The gun was loaded, with the safety off, defendant had reason to be upset with Davis, defendant's behavior in chasing the women appeared threatening, and defendant's explanation of the events did not seem plausible. It is for the trier of fact to determine what inferences can be fairly drawn from the evidence, and to determine the weight to be accorded to the inferences. *People v Hardiman*, 466 Mich 417, 428; 646 NW2d 158 (2002).

Because we have determined that the evidence was sufficient to support the underlying conviction of carrying a firearm with unlawful intent, and because it is undisputed that defendant possessed a firearm, defendant's argument that the evidence was insufficient to support the felony-firearm conviction is without merit.

Affirmed.

/s/ E. Thomas Fitzgerald
/s/ Donald E. Holbrook, Jr.
/s/ Mark J. Cavanagh