

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

KAREEM WILLIAMS,

Defendant-Appellant.

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UNPUBLISHED

November 15, 2002

No. 234936

Wayne Circuit Court

LC No. 00-010460

Before: Murray, P.J., and Cavanagh and Bandstra, JJ.

PER CURIAM.

Defendant appeals as of right his jury trial convictions of second-degree murder, MCL 750.317, and possession of a firearm during the commission of a felony, MCL 750.227b. He was sentenced to thirty to sixty years' imprisonment for the second-degree murder conviction and two years' imprisonment for the felony-firearm conviction. We affirm.

On appeal, defendant argues that his second-degree murder conviction should be reversed because there was insufficient evidence presented for the jury to find him guilty. We disagree. To determine whether sufficient evidence was presented, this Court views the evidence in a light most favorable to the prosecution and determines whether a rational trier of fact could have found that the essential elements of the crime were proved beyond a reasonable doubt. *People v McRunels*, 237 Mich App 168, 181; 603 NW2d 95 (1999).

The crime of second-degree murder requires proof that the defendant caused the death of the victim and that the killing was done with malice and without justification. *People v Kemp*, 202 Mich App 318, 322; 508 NW2d 184 (1993). "Malice is the intent to kill, the intent to do great bodily harm, or the intent to create a high risk of death or great bodily harm with the knowledge that death or great bodily harm will be the probable result." *Id.* "A jury may infer malice from evidence that the defendant intentionally set in motion a force likely to cause death or great bodily harm." *People v Carines*, 460 Mich 750, 759; 597 NW2d 130 (1999).

It is undisputed that defendant caused the death of the victim. The only question is whether sufficient evidence was presented for the jury to find beyond a reasonable doubt that the killing was done with malice and without justification. *Kemp, supra.* "Circumstantial evidence and the reasonable inferences that arise from the evidence can constitute satisfactory proof of the elements of the crime." *McRunels, supra.* Because of the difficulty in proving an actor's state of mind, minimal circumstantial evidence is sufficient. *Id.*

In this case, sufficient evidence was presented for the jury to find beyond a reasonable doubt that the killing was done with malice and without justification. Defendant pulled up in a white van and without saying a word, stepped out of the van and fired a gun five times in the direction of the victim. This evidence establishes that defendant had the intent to do great bodily harm to the victim, or knew it was likely that he could cause death or great bodily harm to the victim. Malice may also be inferred from defendant's use of a deadly weapon. *Carines, supra*.

Further, when viewed in a light most favorable to the prosecution, the evidence does not indicate defendant was justified in killing the victim, or that he killed him in self-defense. "In Michigan, the killing of another in self-defense is justifiable homicide if the defendant honestly and reasonably believes that his life is in imminent danger or that there is a threat of serious bodily harm." *Kemp, supra*. Rather, the evidence established that the victim was shot from the back to the front of the head, indicating that the victim was not even facing defendant when he was shot. In fact, one witness testified that when defendant started shooting, the victim turned and was trying to run away from defendant. All conflicts in the evidence must be resolved in favor of the prosecution and questions of credibility are left to the trier of fact and will not be resolved anew on appeal. *McRunels, supra; People v Avant*, 235 Mich App 499, 506; 597 NW2d 864 (1999). Accordingly, we find that sufficient evidence was presented to prove beyond a reasonable doubt that defendant caused the victim's death, and that he did so with malice and without justification.

Affirmed.

/s/ Christopher M. Murray  
/s/ Mark J. Cavanagh  
/s/ Richard A. Bandstra