

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

CHRISTOPHER LEWIS MAITRE,

Defendant-Appellant.

UNPUBLISHED

January 15, 2004

No. 243099

Oakland Circuit Court

LC No. 01-179471-FH

Before: Hoekstra, P.J., and Sawyer and Gage, JJ.

PER CURIAM.

Defendant, Christopher Lewis Maitre, appeals as of right his jury trial convictions of intentionally discharging a firearm from a motor vehicle in a manner so as to endanger the safety of another, MCL 750.234a(1), and possession of a firearm during the commission of a felony, MCL 750.227b. The trial court sentenced defendant to a term of one month to four years' imprisonment for intentionally discharging a firearm from a motor vehicle, but suspended the sentence, and two years' imprisonment for the felony-firearm conviction. We affirm.

Defendant first asserts that there was insufficient evidence to support his conviction of intentionally discharging a firearm from a motor vehicle in a manner so as to endanger another. In particular, defendant challenges the sufficiency of the evidence presented at trial that he discharged the weapon in such a manner as to endanger the safety of another. We disagree. This Court reviews sufficiency of the evidence de novo. *People v Lueth*, 253 Mich App 670, 680; 660 NW2d 322 (2002). In determining whether sufficient evidence was presented at trial to sustain a criminal conviction, this Court views the evidence in the light most favorable to the prosecution and determines 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).

A verdict can be based on circumstantial evidence and the reasonable inferences drawn from that evidence. *People v Carines*, 460 Mich 750, 757; 597 NW2d 130 (1999). The jury determines "what inferences may be fairly drawn from the evidence and . . . the weight to be accorded those inferences." *People v Hardiman*, 466 Mich 417, 428; 646 NW2d 158 (2002). This Court should not interfere with the jury's role in this process or the jury's determination of witness credibility. *People v Wolfe*, 440 Mich 508, 514-515; 489 NW2d 748, amended 441 Mich 1201 (1992).

The elements of the offense of intentionally discharging a firearm from a motor vehicle so as to endanger the safety of another requires that the prosecution prove that defendant (1) discharged a firearm, (2) intentionally, (3) from a motor vehicle, and that (4) he did so in a way that endangered someone else. See CJI2d 11.37.

On appeal, defendant does not dispute that he intentionally fired a shotgun from his motor vehicle near an ongoing party and residential neighborhood. While no testimony indicates that defendant actually aimed the shotgun at any individual, testimony from the host of the party, Ryan Tyler, two guests, David LaLone and Christopher Skarsten, and even defendant's passenger, Nathan Acord, supports the conclusion that between fifteen and twenty-five people were in the front yard when defendant fired his shotgun into the air and that the house where the party was taking place is near another residential area. Defendant and Acord testified that the gun was pointed away from the house; however, defendant admitted that he initially lied to police about the gun accidentally going off in a struggle, and Acord admitted that his testimony at trial was not consistent with his written statement and agreed that his memory was affected because of the large amount of alcohol he consumed that evening. Because of defendant's and Acord's admissions, the jury could decide that defendant's and Acord's testimony concerning the direction of the shot was incredible. Based on this testimony, sufficient evidence was presented for the jury to find that the gun was discharged in the vicinity of an ongoing party and near a residential area and for the jury to reasonably infer that the slug defendant shot up into the air also fell back down somewhere in that same area, endangering all those within range of the shotgun.

Defendant also contends that because the prosecution failed to prove the underlying felony, there was insufficient evidence that he possessed a firearm during commission of a felony. As discussed above, there was sufficient evidence to convict defendant of the underlying felony of intentionally discharging a firearm from a motor vehicle in such a manner as to endanger others. Because defendant possessed a firearm (the shotgun) during the commission of this felony, sufficient evidence was presented to the jury to support its decision to convict defendant of felony-firearm.

Affirmed.

/s/ Joel P. Hoekstra
/s/ David H. Sawyer
/s/ Hilda R. Gage