

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

PAUL E. MILLS,

Defendant-Appellant.

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UNPUBLISHED

March 18, 2004

No. 240828

Wayne Circuit Court

LC No. 01-006389-01

Before: Griffin, P.J., and White and Donofrio, JJ.

MEMORANDUM.

Defendant was convicted, following a bench trial, of assault with intent to do great bodily harm less than murder, MCL 750.84.<sup>1</sup> He was sentenced to two years' probation. He appeals as of right. We affirm.

Defendant argues that insufficient evidence was presented at trial to support his conviction. We disagree. Claims of insufficient evidence are reviewed de novo by this Court. *People v Johnson*, 460 Mich 720, 723; 597 NW2d 73 (1999). The evidence is viewed in the light most favorable to the prosecution to determine if a rational jury could find that each element of the charge in question was proven beyond a reasonable doubt. *Id.* 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). The specific intent necessary to convict may be inferred from a defendant's words or conduct. *People v Jackson*, 25 Mich App 596, 598; 181 NW2d 794 (1970).

The victim testified that he was struck from behind as he was walking with defendant. According to the victim, while laying on the ground, defendant repeatedly hit and kicked him above the waist. The victim suffered two facial fractures, as well as injuries to his chest, rib cage, and back. The victim was so badly beaten that a police officer thought he might be dead. These injuries, and the victim's testimony that it was defendant who inflicted them, were sufficient to establish the assault element of the crime and defendant's identity as the attacker.

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<sup>1</sup> Defendant was also charged with unarmed robbery, MCL 750.530. The court dismissed that charge.

Also, the location and severity of the wounds, particularly those to the victim's head, were sufficient to establish the requisite intent. *People v Miller*, 91 Mich 639, 642; 52 NW 65 (1892). Further, the victim's testimony that he was knocked to the ground while walking with defendant and subsequently beaten as he lay there, was sufficient to negate any claim that defendant was acting in self-defense. See CJI2d 7.20.

Affirmed.

/s/ Richard Allen Griffin

/s/ Helene N. White

/s/ Pat M. Donofrio