

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

PAUL EDWARD SIAN,

Defendant-Appellant.

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UNPUBLISHED

June 15, 2004

No. 245666

Bay Circuit Court

LC No. 02-010590-FH

Before: Neff, P.J., and Zahra and Murray, JJ.

MEMORANDUM.

Defendant appeals as of right his conviction of domestic assault, third offense, MCL 750.81(4), entered after a jury trial. We affirm.

Defendant was charged with domestic assault as a result of an allegation by complainant, his wife, that he struck her in the chest with a radio and shoved her against a vehicle during the course of an argument. At trial complainant denied that an assault occurred. She acknowledged that she reported an assault to a 911 operator and the police, but stated she did so because she was angry with defendant. Shortly after the incident, complainant and defendant's children, ages seven and five, told police that defendant shoved complainant. At trial, the children gave conflicting testimony.

In reviewing a sufficiency of the evidence question, we view the evidence in a light most favorable to the prosecution to determine whether a rational trier of fact could conclude that the elements of the offense were proven beyond a reasonable doubt. We do not interfere with the jury's role of determining the weight of the evidence or the credibility of witnesses. *People v Wolfe*, 440 Mich 508, 514-515; 489 NW2d 748 (1992), amended 441 Mich 1201 (1992); *People v Milstead*, 250 Mich App 391, 404; 648 NW2d 648 (2002). A trier of fact may make reasonable inferences from direct or circumstantial evidence in the record. *People v Vaughn*, 186 Mich App 376, 379-380; 465 NW2d 365 (1990).

Domestic assault is proved by establishing that the defendant and the victim are associated in one of the ways set forth in the statute, and that the defendant either intended to batter the victim or that the defendant's unlawful act placed the victim in reasonable apprehension of being battered. Domestic assault is a specific intent crime. MCL 750.81(2); *People v Corbiere*, 220 Mich App 260, 266; 559 NW2d 666 (1996).

Defendant argues that insufficient evidence was produced to support his conviction. We disagree and affirm. The credibility of the witnesses was for the jury to determine. The jury was entitled to conclude that the trial testimony given by complainant and the children was not credible, and that the prior statements given by those witnesses contained an accurate account of the incident. *Milstead, supra*. Complainant's account of the incident, contained in her statements to the 911 operator and the police, established the offense of domestic assault. MCL 750.81; *Corbiere, supra*. The evidence, when viewed in a light most favorable to the prosecution, was sufficient to support defendant's conviction. *Wolfe, supra*.

Affirmed.

/s/ Janet T. Neff  
/s/ Brian K. Zahra  
/s/ Christopher M. Murray