

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ANTOINE DESHAWN POTTS,

Defendant-Appellant.

UNPUBLISHED

June 17, 2004

No. 245588

Kalamazoo Circuit Court

LC No. 02-001289-FH

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

MEMORANDUM.

Defendant appeals as of right his conviction of first-degree home invasion, MCL 750.110a(2), entered after a jury trial. We affirm.

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).

A person who breaks and enters a dwelling with intent to commit a felony, larceny, or assault in the dwelling, a person who enters a dwelling without permission with intent to commit a felony, larceny, or assault in the dwelling, or a person who breaks and enters a dwelling or enters a dwelling without permission and, at any time while he or she is entering, present in, or exiting the dwelling, commits a felony, larceny, or assault is guilty of home invasion in the first degree if at any time while the person is entering, present in, or exiting the dwelling the person is armed with a dangerous weapon or another person is lawfully present in the dwelling. MCL 750.110a(2).

Defendant argues that insufficient evidence was produced to support his conviction of first-degree home invasion¹ in that the evidence did not show that he entered the home of Camisha and Talanya White. We disagree and affirm. Talanya and Camisha White testified that defendant opened the door of their residence, entered the residence, and stood for a moment. Dwight White testified that after he entered his sisters' residence he heard the door open, but could not see who had entered due to the configuration of the entryway. This testimony did not contradict his sisters' testimony that defendant entered the residence. The credibility of the witnesses was for the jury to determine. The jury was entitled to accept the testimony of Talanya and Camisha White that defendant opened the door and entered their residence. *Milstead, supra*. The evidence that defendant was armed when he entered the residence, coupled with the evidence that he pursued Dwight White into the residence after shooting at him, supported an inference that defendant entered the residence with the intent to commit a felonious assault. The evidence, viewed in a light most favorable to the prosecution, was sufficient to support defendant's conviction of first-degree home invasion. MCL 750.110a(2); *Wolfe, supra*.

Affirmed.

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

¹ Defendant does not challenge the sufficiency of the evidence produced to support his other convictions of felon in possession of a firearm, MCL 750.224f, discharge of a firearm into a building, MCL 750.234b, and three counts of possession of a firearm during the commission of a felony, MCL 750.227b.