

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

NATHAN EUGENE WARD,

Defendant-Appellant.

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UNPUBLISHED

August 19, 2004

No. 246161

Wayne Circuit Court

LC No. 02-008273-01

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

PER CURIAM.

Defendant appeals as of right his jury trial conviction for assault with intent to do great bodily harm less than murder, MCL 750.84. Defendant was sentenced to twenty-three months' to ten years' imprisonment for his assault conviction. We affirm.

Defendant's only argument on appeal is that there was insufficient evidence to convict him of assault with intent to do great bodily harm less than murder. We disagree. Due process requires that a prosecutor introduce evidence sufficient to justify a trier of fact in concluding that the defendant is guilty beyond a reasonable doubt. *People v Johnson*, 460 Mich 720, 723; 597 NW2d 73 (1999). On appeal, this Court reviews the evidence de novo, resolving all factual conflicts in the light most favorable to the prosecution, to determine whether a rational trier of fact could have found that all essential elements of the crime were proven beyond a reasonable doubt. *Id.*

The offense of assault with intent to do great bodily harm less than murder requires proof of (1) an attempt or offer with force and violence to do corporal hurt to another with (2) the specific intent to do great bodily harm less than murder. *People v Parcha*, 227 Mich App 236, 239; 575 NW2d 316 (1997). The phrase "intent to do great bodily harm less than the crime of murder" has been defined as an intent to do serious injury of an aggravated nature. *People v Mitchell*, 149 Mich App 36, 39; 385 NW2d 717 (1986). Intent may be inferred from all the facts and circumstances. *People v McRunels*, 237 Mich App 168, 181; 603 NW2d 95 (1999). And because of the difficulty of proving an actor's state of mind, minimal circumstantial evidence is sufficient. *Id.* Additionally, circumstantial evidence and all reasonable inferences arising from that evidence can constitute satisfactory proof of the elements of the crime. *Id.*

Viewing the evidence in a light most favorable to the prosecution, we conclude that the prosecution presented sufficient evidence of specific intent to cause serious injury of an

aggravated nature. Because the parties stipulated to the fact that the injuries Worthy sustained amounted to a serious bodily injury,<sup>1</sup> only the intent element is at issue. At the time of the incident, the victim, Herbert Worthy, was suspected of raping the young teenage daughter of a woman known as “Fat Mama.” Defendant admitted to striking Worthy in the face and calling Worthy a pedophile. Worthy testified that defendant struck him several times while the codefendant, Deshon Daugherty, held him, indicating that “Fat Mama paid us to do this.” Further, testimony established that defendant chased Worthy when Worthy, after being hit multiple times by both defendant and Daugherty, fled for the safety of a church three blocks away. From this evidence, a rational juror could draw the inference that defendant was seeking retribution for Worthy’s alleged rape of a teenage girl and did, indeed, specifically intend to inflict great bodily harm on Worthy.

Defendant also introduced evidence at trial, though his own testimony, that he acted in self-defense. Therefore, the prosecution bears the burden of proving beyond a reasonable doubt that defendant did not act in self-defense. *People v Fortson*, 202 Mich App 13, 20; 507 NW2d 763 (1993). For a claim of lawful self-defense, the evidence must show that: (1) the defendant honestly and reasonably believed that he was in danger; (2) the danger feared was death or serious bodily harm; (3) the action taken appeared at the time to be immediately necessary; and (4) the defendant was not the initial aggressor. *People v Riddle*, 467 Mich 116, 119; 649 NW2d 30 (2002). The jury in this case was given an instruction on self-defense, allowing them to excuse defendant and find him not guilty of any crime. After reviewing the record, we find that the prosecution presented sufficient evidence to allow the jury to conclude beyond a reasonable doubt that defendant did not act in self-defense. Worthy testified that defendant was the initial aggressor and repeatedly struck him. The fact that defendant refuted Worthy’s version of events is irrelevant, because the jury was free to reject defendant’s testimony. This Court will not interfere with the jury’s role of determining the weight of the evidence and credibility of witnesses. *People v Fletcher*, 260 Mich App 531, 561; 679 NW2d 127 (2004).

Affirmed.

/s/ Janet T. Neff  
/s/ Michael R. Smolenski  
/s/ Brian K. Zahra

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<sup>1</sup> The injuries to Worthy’s left eye required a plastic plate, a tube to replace deficient tear ducts, and three surgeries. Worthy’s vision remains impaired.