

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

BONNIE LOU SAVOY,

Defendant-Appellant.

UNPUBLISHED

December 20, 2007

No. 269813

Kent Circuit Court

LC No. 05-06876-FH

Before: Bandstra, P.J., and Meter and Beckering, JJ.

PER CURIAM.

Defendant appeals as of right her conviction for first-degree premeditated murder, MCL 750.316(1)a. She was convicted on February 16, 2006, following a jury trial and was sentenced to life in prison without parole. We affirm.

Defendant's sole argument on appeal is that there was insufficient evidence to support her conviction. Defendant does not deny that her husband, Jerry Savoy, died of an insulin overdose, but she argues that because the prosecution did not present direct evidence that defendant injected the insulin, or that defendant's fingerprints were found on the syringes or insulin bottle, there was insufficient evidence to support her conviction. We disagree.

We review a challenge to the sufficiency of the evidence de novo. *People v Hawkins*, 245 Mich App 439, 457; 628 NW2d 105 (2001). Viewing the evidence in the light most favorable to the prosecution, we must determine whether a rational jury could find "that the essential elements of the crime were proven beyond a reasonable doubt." *People v Wolfe*, 440 Mich 508, 515; 489 NW2d 748 (1992), amended 441 Mich 1201 (1992). We give the jury's verdict great deference, particularly in matters of credibility of conflicting testimony. *People v Nowack*, 462 Mich 392, 400; 614 NW2d 78 (2000). Direct evidence is not required; circumstantial evidence and all reasonable inferences drawn from that evidence is sufficient to prove the elements of a crime. *Id.*

First-degree murder requires an intentional killing of another that was willful, premeditated and deliberate. *People v Bowman*, 254 Mich App 142, 151; 656 NW2d 835 (2002); *People v Anderson*, 209 Mich App 527, 537; 531 NW2d 780 (1995); MCL 750.316(1)a). Premeditation and deliberation can be inferred from the circumstances surrounding the killing. *Id.*; *People v Saunders*, 189 Mich App 494, 496; 473 NW2d 755 (1991). In addition to the statutory elements of murder, identity of the perpetrator must always be proven

beyond a reasonable doubt to obtain a conviction. *People v Kern*, 6 Mich App 406, 409; 149 NW2d 216 (1967). “Circumstantial evidence and reasonable inferences arising therefrom can sufficiently establish the elements of a crime.” *People v Schultz*, 246 Mich App 695, 702; 635 NW2d 491 (2001), citing *People v Jolly*, 442 Mich 458, 466; 502 NW2d 177 (1993).

Defendant does not challenge on appeal that Jerry died from a purposeful injection of an overdose of insulin, a medication that he did not take for his health problems. Defendant argues that the prosecution presented insufficient evidence from which a rational jury could conclude that defendant was the person who injected Jerry with the insulin. We agree with defendant that the prosecution did not present evidence of an eyewitness to the injection, or any fingerprint or DNA evidence that tied defendant to the insulin vial. Nevertheless, after reviewing the record, it is clear that the prosecution presented sufficient circumstantial evidence from which a rational jury could conclude, beyond a reasonable doubt, that defendant injected the insulin.

A year before the murder, defendant asked her daughter-in-law for drugs that would put Jerry “to sleep and not wake up.” Defendant admitted that she had tried mixing his medications and putting air in his needles. She admitted to previously giving him 20 sleeping pills at once, and commented that he “still woke up.” Trial testimony showed that defendant always prepared a Betaserol solution for Jerry for his multiple sclerosis, and readied the syringe for injection, and she regularly injected the medication. A used insulin vial seized from defendant’s home was similar to other vials found in the possession of Diane Frens, defendant’s good friend, and defendant had an opportunity to acquire a vial because she had the key to Frens’ home. A reasonable inference could be drawn that defendant switched the Betaserol solution for insulin.

The insulin seized from defendant’s home was in a teapot placed on a shelf that Jerry could not reach easily. Although Jerry could walk to the kitchen, he needed to use the walls and counters for support. The teapot was above a counter that Jerry could not use to steady himself. Further, the teapot belonged to defendant’s grandmother and was ceramic, and the evidence revealed that Jerry no longer washed dishes at home because he was prone to dropping and breaking them.

There was additional evidence in the record that defendant purposely delayed calling for emergency medical assistance for many hours after it was discovered that Jerry did not seem well. Chris Davis testified that from the time he arrived at defendant’s home, where he was staying, at 9:00 p.m. on March 9, 2003, until the next morning at 7:00 a.m., defendant repeatedly assured Davis that Jerry was fine even though Jerry did not appear to be well. Jerry’s glucose meter history indicates that defendant was aware that Jerry’s blood sugar was very low and that he needed medical assistance at 7:20 p.m. on March 9, yet she delayed calling 911 until the next morning.

Finally, defendant’s financial problems provided her with a motive to kill Jerry. She believed that if Jerry died, insurance would pay the home’s mortgage and the pending foreclosure proceedings would be avoided. Although motive is not itself an element of first-degree murder, evidence of motive assists in establishing other elements of the crime, *People v Herndon*, 246 Mich App 371, 412-413; 633 NW2d 376 (2001), including establishing the identity of the killer as defendant and as proof of her intent to kill.

Defendant argues that the strongest evidence against her was her various “recollections” of the events and that her conflicting statements are insufficient evidence to support her conviction. Defendant’s changing statements were not, however, the only evidence against her. And, there was evidence that defendant fabricated various stories and was not simply confused or incorrect about the events. Wendy Sue Andrews, defendant’s cousin and friend, testified that that defendant specifically asked her to tell police that the insulin was hers; that request was made after police found the insulin and after defendant denied several times that she knew anything about the insulin.

In sum, viewing the evidence in the light most favorable to the prosecution, there was sufficient evidence to convince a jury beyond a reasonable doubt, that defendant purposefully injected Jerry Savoy with insulin and committed first-degree premeditated murder.

We affirm.

/s/ Richard A. Bandstra

/s/ Patrick M. Meter

/s/ Jane M. Beckering