

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DWAYNE LAMONT GLOBE,

Defendant-Appellant.

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UNPUBLISHED

August 5, 2010

No. 290283

Wayne Circuit Court

LC No. 07-012394-FC

Before: SAWYER, P.J., and BANDSTRA and WHITBECK, JJ.

PER CURIAM.

Following a jury trial, defendant was convicted of first-degree premeditated murder, MCL 750.316(1)(a), felon in possession of a firearm, MCL 750.224f, and possession of a firearm during the commission of a felony, MCL 750.227b. He was sentenced to concurrent terms of life imprisonment for the murder conviction and 24 to 60 months' imprisonment for the felon in possession conviction, to be served consecutive to a two-year term of imprisonment for the felony-firearm conviction. He appeals as of right. We affirm.

Defendant's sole claim on appeal is that there was insufficient evidence of premeditation and deliberation to support his conviction of first-degree premeditated murder. We disagree.

When ascertaining whether sufficient evidence was presented at trial to support a conviction, this Court "must view the evidence in a light most favorable to the prosecution and determine whether any rational trier of fact 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). "Circumstantial evidence and reasonable inferences arising from that evidence can constitute satisfactory proof of the elements of the crime." *People v Carines*, 460 Mich 750, 757; 597 NW2d 130 (1999); *People v Truong (After Remand)*, 218 Mich App 325, 337; 553 NW2d 692 (1996), quoting *People v Jolly*, 442 Mich 458, 466; 502 NW2d 177 (1993). This Court will not interfere with the trier of fact's role of determining the weight of evidence or the credibility of witnesses. *Wolfe*, 440 Mich at 514-515. Rather, "a reviewing court is required to draw all reasonable inferences and make credibility choices in support of the jury verdict." *People v Nowack*, 462 Mich 392, 400; 614 NW2d 78 (2000).

First-degree premeditated murder requires proof that the defendant intentionally killed the victim and that the act of killing was premeditated and deliberate. *People v Ortiz*, 249 Mich App 297, 301; 642 NW2d 417 (2002). "Premeditation and deliberation require sufficient time to allow the defendant to take a second look." *People v Anderson*, 209 Mich App 527, 537; 531

NW2d 780 (1995). “Because it is difficult to prove an actor’s state of mind, only minimal circumstantial evidence is required.” *People v McGhee*, 268 Mich App 600, 623; 709 NW2d 595 (2005). A defendant’s actions before and after the crime, and the circumstances surrounding the killing itself, including the weapon used and the location of the wounds inflicted, may be considered to establish premeditation and deliberation. *Ortiz*, 249 Mich App at 301; *People v Coddington*, 188 Mich App 584, 600; 470 NW2d 478 (1991). “Proof of motive is not essential.” *People v Abraham*, 234 Mich App 640, 657; 599 NW2d 736 (1999).

The evidence at trial established that the victim was shot once in the head while standing outside his parked SUV at a neighborhood store. Defendant drove a reddish-colored Caprice that was identifiable by its large hanging TV screen in the backseat area. Defendant admitted that he was in his Caprice at the store when the victim arrived and that he left moments later. Maurice Jackson, a backseat passenger in the victim’s SUV, saw the Caprice “pull off” as the victim was walking toward the store. Jackson then saw the Caprice return after the victim came out of the store and was standing on the driver’s side of his SUV. According to witnesses, the Caprice drove directly toward the victim’s SUV and stopped “right next” to it with the driver’s side facing the driver’s side of the SUV. Jackson saw the victim throw his hands up and smile as if to say, “What’s up?” Sundra Taylor, the other backseat passenger in the SUV, saw that the driver of the Caprice had a gun. From his front passenger seat position in the SUV, Terrance Allison saw defendant put his arm out his window, point a gun up, and shoot three times in the air. Allison heard the victim say, “Huh.” Allison testified that defendant then pointed the gun at the victim and shot three times, hitting the victim once in the head and killing him. Shortly thereafter, defendant pulled up to a neighbor who was walking from the store, asked what happened, and simply said “Okay” and drove away when the neighbor indicated that someone had shot the victim.

Viewed in a light most favorable to the prosecution, the evidence that defendant returned to the store after seeing the victim there, that he pulled directly up to the victim’s SUV and positioned his car so that his driver’s side was five feet from the victim, that he shot his weapon up in the air before aiming his functioning firearm directly at the victim and shooting, that the victim had time to make a brief utterance between the time defendant fired his weapon in the air and then aimed it at, and shot, the victim, that the victim was shot in the head, and defendant’s calm demeanor after the shooting, considered together, was sufficient to support a finding of premeditation and deliberation for first-degree murder. *Anderson*, 209 Mich App at 537.

Although defendant argues that Allison’s testimony was not credible and that there were inconsistencies in the remaining witnesses’ testimony, these challenges to the weight of the evidence and the credibility of the witnesses were for the jury to resolve. This Court will not interfere with the jury’s role of determining issues of weight and credibility. *Wolfe*, 440 Mich at 514. Rather, this Court must draw all reasonable inferences and make credibility choices in support of the jury’s verdict. *Nowack*, 462 Mich at 400. Viewed in this manner, there was sufficient evidence of premeditation and deliberation to support defendant’s conviction of first-degree premeditated murder.

We affirm.

/s/ David H. Sawyer  
/s/ Richard A. Bandstra  
/s/ William C. Whitbeck