# STATE OF MICHIGAN

# COURT OF APPEALS

In the Matter of CARNELLIUS ADAMS, Minor.

PEOPLE OF THE STATE OF MICHIGAN,

Petitioner-Appellee,

v

CARNELLIUS ADAMS,

Respondent-Appellant.

UNPUBLISHED
September 30, 2010

No. 292697
Wayne Circuit Court
Family Division
LC No. 00-390737

Before: O'CONNELL, P.J., and SERVITTO and SHAPIRO, JJ.

PER CURIAM.

Respondent, a juvenile, was adjudicated guilty of two counts of aggravated assault, MCL 750.81a, and violation of a city ordinance. He appeals as of right from the trial court's dispositional order removing him from his home and referring him to the care and supervision of the Department of Human Services. We affirm.

Respondent's adjudications arise from an altercation at a high school in which respondent physically assaulted Brandon Tennille, an assistant project director at the school, and then later assaulted a responding police officer, Officer White. According to the testimony, respondent punched Tennille in the face and "body slammed" him on the floor, and then ran head first into White, tackled her, and caused her to fall backward. White landed on her back on the floor with respondent on top of her; the force of the hit or fall knocked at least one of her shoes off.

On appeal, respondent argues that there was insufficient evidence to establish the aggravated injury element of aggravated assault with respect to the assaults against Tennille and White and, therefore, the trial court erred in denying his motion for a directed verdict. We disagree.

> When reviewing a trial court's decision on a motion for a directed verdict, this Court reviews the record de novo to determine whether the evidence presented by the prosecutor, viewed in the light most favorable to the prosecutor, could persuade a rational trier of fact that the essential elements of the crime charged were proved beyond a reasonable doubt. [*People v Brown*, 279 Mich App 116, 136; 755 NW2d 664 (2008), (citation and quotation omitted).]

MCL 750.81a(1) provides:

> Except as otherwise provided in this section, a person who assaults an individual without a weapon and inflicts serious or aggravated injury upon that individual without intending to commit murder or to inflict great bodily harm less than murder is guilty of a misdemeanor . . . .

"A serious or aggravated injury is a physical injury that requires immediate medical treatment or that causes disfigurement, impairment of health, or impairment of a part of the body." CJI2d 17.6; see also *People v Brown*, 97 Mich App 606, 611; 296 NW2d 121 (1980).

In this case, Tennille testified that his wrist and shoulder was injured in the assault, and the shoulder injury resulted in a torn muscle, for which he received medical treatment on the day of the assault. He was still suffering lingering effects of the injury at the time of trial. White testified that her neck and upper back were injured during the assault. She went to a clinic or hospital that day where she was x-rayed and diagnosed with a strain and prescribed medication. At the time of trial, approximately three months after the assault, she still experienced pain or discomfort in her neck from the injury. The testimony describing the nature of the complainants' injuries, the necessity of medical treatment, and the continuing lingering effects, viewed in the light most favorable to the prosecution, was sufficient to enable a rational trier of fact to conclude beyond a reasonable doubt that respondent inflicted a serious or aggravated injury on each complainant. Therefore, the trial court did not err in denying respondent's motion for a directed verdict.

Although not mentioned in respondent's statement of the issues, respondent asserts that the trial court abused its discretion[1] by committing him to the Department of Human Services. "An abuse of discretion standard acknowledges that there will be circumstances in which there will be no single correct outcome; rather, there will be more than one reasonable and principled outcome." *People v* Babcock, 469 Mich 247, 269; 666 NW2d 231 (2003). "When the trial court selects one of these principled outcomes, the trial court has not abused its discretion and thus, it is proper for the reviewing court to defer to the trial court's judgment." *Id.*

Having reviewed the record, we find no abuse of discretion. The trial court listened to arguments from both sides, as well as testimony from respondent's mother. He asked respondent whether he had anything to add, and respondent simply said "no." The trial court reviewed the report from the clinic for child study and quoted several passages from it in making his decision:

> "Despite his behavioral difficulties within the school setting, [respondent] remains quite resistant to admitting any personal shortcomings. Intends [sic] to

[1] The trial court's sentence is reviewed for an abuse of discretion. See *People v Thenghkam*, 240 Mich App 26, 36-37; 610 NW2d 571 (2000), overruled on other grounds by *People v Petty*, 469 Mich 108; 665 NW2d 443 (2003); *People v Passeno*, 195 Mich App 91, 103-105; 489 NW2d 152 (1992) overruled on other grounds by *People v Bigelow*, 229 Mich App 218; 581 NW2d 744 (1998).

act indifferently about the role that he played in creating his difficulties with school authorities and peers."

The next paragraph says:

"It would not be unlike [respondent] to avoid taking seriously his legal and school difficulties. An[] attitude of acting as though 'nothing can happen to me' will incline [respondent] to take troubling [sic] at first with calmness, if not with disdain."

And part of this problem is his parents are making excuses for him. He's got all kind of problems going on, and instead of standing up as parents should, and saying this young man has trouble, he should be sanctioned for it, they make excuses for him.

And that's part of the problem with young men like [respondent], why they're having trouble in life.

And that's why [respondent] needs to be placed. Because [respondent] doesn't think anything is going to happen to him when he acts out and engages in bad behavior.

Well, in this courtroom there are consequences. And there are consequences for bad action.

As the trial court was making its ruling and indicated that respondent's actions told the trial court it was making the right decision, respondent burst out "How can you say you making the right decision—." The trial court then reiterated that "your entire actions tell me that [placement] is exactly correct. . . . I've seen this young man's behavior in this courtroom. And I'm reading about—I'm seeing his parents' actions, and I'm seeing the 33 incidents,[2] and I'm seeing the behavior, and I heard the trial of what he did to those people," at which point respondent blurted out "Was you a witness to it?" The trial court indicated it was "very comfortable with this decision."

Not only do we give great deference to the trial court's unique ability to assess respondent's demeanor, see MCR 2.613(C), but we note that respondent's belligerence and anger issues are evident even in the written record. In addition, his mother's testimony supported the trial court's determination that his parents continued to make excuses for him. Taken together with respondent's 33 previous suspensions for violent, destructive, or anger-related actions, which appeared to have no impact on his behavior, we see no abuse of discretion in the trial court's assessment that respondent should be committed to the Department of Human Services.

[2] Respondent had been suspended from school 33 times for "disruptive misconduct, fighting, interference with or intimidation of school personnel, vandalism, or intentional destruction of property, insubordination, other prohibited conduct, threats of violence, verbal abuse, and battery upon an employee."

Finally, respondent complains that this Court improperly designated this appeal as a priority "custody" appeal. After respondent filed his brief, however, this Court determined that the "custody" designation was improperly added due to a clerical error and, accordingly, removed the designation. Therefore, this issue is moot and we decline to consider it. *People v Claypool*, 470 Mich 715, 723 n 8; 684 NW2d 278 (2004).

Affirmed.

/s/ Peter D. O'Connell
/s/ /Deborah A. Servitto
/s/ Douglas B. Shapiro