

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

NAJEE ALLEN WILLIAMS,

Defendant-Appellant.

UNPUBLISHED

June 19, 2012

No. 303191

Wayne Circuit Court

LC No. 10-011174-FC

Before: SERVITTO, P.J., and METER and FORT HOOD, JJ.

PER CURIAM.

Following a jury trial, defendant was convicted of carjacking, MCL 750.529a; unarmed robbery, MCL 750.530; and assault with intent to do great bodily harm less than murder, MCL 750.84. He was sentenced to 15 to 25 years' imprisonment for carjacking, 2 to 15 years' imprisonment for unarmed robbery, and 2 to 10 years' imprisonment for assault with intent to do great bodily harm. He appeals as of right. We affirm.

Defendant claims that there was insufficient evidence to support his convictions, under an aiding and abetting theory, of carjacking and assault with intent to do great bodily harm.¹ We disagree. When reviewing a claim of insufficient evidence, we review the record de novo. *People v Kissner*, 292 Mich App 526, 533; 808 NW2d 522 (2011). This Court must review the evidence in the light most favorable to the prosecutor and determine whether a rational trier of fact could have found that the essential elements of the crime were proven beyond a reasonable doubt. *Id.* at 533-534.

The elements of carjacking are: “(1) that the defendant took a motor vehicle from another person; (2) that the defendant did so in the presence of that person, a passenger, or any other person in lawful possession of the motor vehicle; and (3) that the defendant did so either by force or violence, by threat of force or violence, or by putting the other person in fear.” *People v Davis*, 250 Mich App 589, 592; 649 NW2d 118 (2002), *aff'd in part, vacated in part* 468 Mich

¹ Although his statement of the question presented for appeal mentions the assault conviction, in his “relief requested” paragraph defendant only asks for a reversal of his carjacking conviction. Nevertheless, we will address both offenses.

77 (2003). The elements of assault with intent to do great bodily harm are: (1) an attempt or threat with force or violence to do corporal harm to another and (2) the intent to do great bodily harm less than murder. *People v Brown*, 267 Mich App 141, 147; 703 NW2d 230 (2005).

“A person who aids or abets the commission of a crime may be convicted as if he or she directly committed the crime.” *People v Jackson*, 292 Mich App 583, 589; 808 NW2d 541 (2011). To show that a defendant aided and abetted in a crime, the prosecutor must show that: “(1) the crime charged was committed by the defendant or some other person, (2) the defendant performed acts or gave encouragement that assisted the commission of the crime, and (3) the defendant intended the commission of the crime or had knowledge that the principal intended its commission at the time he gave aid and encouragement.” *Id.* (internal citations and quotation marks omitted).

Defendant focuses on the requirement that he must have intended the commission of the crime or have had knowledge that the principal intended the commission of the crime. A defendant’s intent is a question of fact to be determined by the jury. *People v Turner*, 213 Mich App 558, 567; 540 NW2d 728 (1995), overruled in part on other grounds by *People v Mass*, 464 Mich 615; 628 NW2d 540 (2001). “An aider and abettor’s knowledge of the principal’s intent can be inferred from the facts and circumstances surrounding an event.” *People v Bennett*, 290 Mich App 465, 474; 802 NW2d 627 (2010).

There is sufficient evidence in the record for a rational trier of fact to have concluded that defendant intended to commit the offenses or knew of his codefendant’s intent to commit the offenses. On September 30, 2011, defendant and his codefendant, Brandon Brown, stole an unoccupied Meals on Wheels truck. In a statement made by defendant to police, defendant stated that he was driving the stolen Meals on Wheels truck when he saw the victim, Harris Blow, sitting in a 2001 Chrysler Sebring. Harris was in his driveway, waiting for his wife, Laverne Blow. Defendant parked the truck across the street from Harris. Defendant admitted that he and Brown planned to take the Sebring. A rational trier of fact could have inferred that in order to take a car from a person that is actually sitting in the car, at least some amount of force, or a threat of force, would be necessary. Defendant argues that because he and Brown stole the Meals on Wheels truck with no force, he had no expectation that force would be used to steal the Sebring. However, the two thefts were distinct because the Meals on Wheels truck was unoccupied at the time defendant stole it, whereas Harris was actually sitting in the Sebring at the time defendant planned to steal the car.

Evidence further showed that defendant approached Laverne while Brown approached Harris. Brown beat Harris, stole his wallet, and forced him from the vehicle. When Laverne started yelling for help, Brown told defendant, “we’ve got to go.” After the incident, Brown gave defendant \$5, half of the money that was in the wallet Brown stole from Harris. These facts are evidence that defendant and Brown planned to attack, rob, and carjack Harris and Laverne. A rational trier of fact could have used these facts to infer defendant’s intent to commit the

offenses. Therefore, the evidence, when viewed in the light most favorable to the prosecution,² justified a rational jury's finding that defendant was guilty of carjacking and assault with intent to do great bodily harm.

Defendant additionally argues that there was no evidence that he did anything to aid in the assault or the carjacking. This argument is without merit. Testimony indicated that defendant approached Laverne and offered her a meal from Meals on Wheels. He admitted that he and Brown were planning to take the car, and he admitted driving the Blow's car from the scene. He clearly aided Brown in the criminal enterprise.

Affirmed.

/s/ Deborah A. Servitto
/s/ Patrick M. Meter
/s/ Karen M. Fort Hood

² It is the jury's role to weigh the evidence and resolve conflicts in the testimony. *Bennett*, 290 Mich App at 474.