

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MICHAEL C. JORDAN,

Defendant-Appellant.

UNPUBLISHED
September 8, 1998

No. 203320
Recorder's Court
LC No. 96-002742

Before: Holbrook, Jr., P.J., and Wahls and Cavanagh, JJ.

MEMORANDUM.

Defendant appeals by right his convictions for assault with intent to commit great bodily harm less than murder, MCL 750.84; MSA 28.279, and felony-firearm, MCL 750.227b; MSA 28.424(2), entered after a bench trial. We affirm.

Defendant's convictions arose out of a gang-related shooting incident which took place on March 13, 1996. The trial court found that defendant shot at a passing truck several times, resulting in a bullet wound to one of the occupants. The court rejected defendant's claim of self-defense, where there was no evidence that the truck's occupants were armed or fired at defendant. On appeal defendant argues that his convictions were not supported by sufficient evidence.

In determining whether the prosecution has presented sufficient evidence to sustain a conviction, an appellate court is required to view the evidence in a light most favorable to the prosecution and determine whether any rational trier of fact could have found that the essential elements of the crime were proven beyond a reasonable doubt. *People v Wolfe*, 440 Mich 508, 515; 489 NW2d 748 (1992).

Where defendant fired several shots at a passing truck, there was sufficient evidence to support his conviction for assault with intent to commit great bodily harm. *People v Lugo*, 214 Mich App 699, 710; 542 NW2d 921 (1995). Defendant acknowledged possessing and firing a pistol, providing sufficient evidence to support his felony-firearm conviction.

While defendant argues that he acted in self-defense, the trial court found that there was no evidence that the occupants of the truck were armed or fired at defendant. There is no showing that the court erred in making this finding of fact. *People v Shields*, 200 Mich App 554, 558; 504 NW2d 711 (1993). Viewed in a light most favorable to the prosecution, there was sufficient evidence to support a finding that defendant did not have an honest and reasonable belief that he was in danger of being killed or seriously injured. *People v Heflin*, 434 Mich 482, 502; 456 NW2d 10 (1990); *People v Truoug (After Remand)*, 218 Mich App 325, 337; 553 NW2d 692 (1996).

Affirmed.

/s/ Donald E. Holbrook, Jr.

/s/ Myron H. Wahls

/s/ Mark J. Cavanagh