

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DERRICK PERSON,

Defendant-Appellant.

UNPUBLISHED

September 29, 2000

No. 215234

Wayne Circuit Court

LC No. 98-001425

Before: McDonald, P.J., and Sawyer and White, JJ.

MEMORANDUM.

Defendant appeals by right his jury conviction for felonious assault, MCL 750.82; MSA 28.277, felony-firearm, MCL 750.227b; MSA 28.424(2), domestic assault, MCL 750.81(2); MSA 28.276(2), and assault and battery, MCL 750.81; MSA 28.276. We affirm.

Police officers testified that they confronted defendant while responding to a domestic complaint. Defendant pointed a rifle at the officers. When defendant failed to obey a command to drop his weapon, one of the officers shot defendant. On appeal, defendant argues that there was insufficient evidence to support his felonious assault conviction. We disagree.

In determining whether sufficient evidence has been presented to sustain a conviction, a reviewing court must view the evidence in a light most favorable to the prosecution, and determine whether any rational finder 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). Circumstantial evidence and reasonable inferences arising therefrom may be sufficient to prove the elements of a crime. *People v Nelson*, 234 Mich App 454; 594 NW2d 114 (1999).

The elements of felonious assault are (1) an assault, (2) with a dangerous weapon, and (3) with the intent to injure or place the victim in reasonable fear or apprehension of an immediate battery. *People v Lawton*, 196 Mich App 341, 349; 492 NW2d 810 (1992). Felonious assault is a specific intent crime. *People v Szymanski*, 102 Mich App 745; 302 NW2d 316 (1981).

There was sufficient evidence to allow a jury to find that the elements of felonious assault were proven beyond a reasonable doubt. Defendant pointed a rifle at the officers, and refused to drop the

weapon when instructed to do so. A jury could reasonably find that defendant intended to injure or place the officers in apprehension of immediate battery.

Affirmed.

/s/ Gary R. McDonald

/s/ David H. Sawyer

/s/ Helene N. White