

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

V

LAMONT F. GILMORE,

Defendant-Appellant.

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UNPUBLISHED

December 4, 2001

No. 229331

Wayne Circuit Court

LC No. 99-011839

Before: White, P.J., and Talbot and E.R. Post\*, JJ.

MEMORANDUM.

Defendant appeals as of right his bench trial conviction for felonious assault, MCL 750.82, and felony-firearm, MCL 750.227b. We affirm.

Defendant was found guilty but mentally ill after he fired several shots at his mother's husband. Reports admitted into evidence indicated that while defendant had a history of mental illness, he was competent to stand trial, and did not have diminished capacity. On appeal, defendant asserts that there was insufficient evidence of intent to support his felonious assault conviction.

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, amended 441 Mich 1201 (1992).

The evaluation reports admitted into evidence did not show that defendant suffered from diminished capacity. The trial court could reasonably rely on the reports in finding that defendant formed the specific intent necessary to commit felonious assault. *People v Rivera*, 120 Mich App 50; 327 NW2d 386 (1982).

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\* Circuit judge, sitting on the Court of Appeals by assignment.

Affirmed.

/s/ Helene N. White  
/s/ Michael J. Talbot  
/s/ Edward R. Post