

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

LAWAUN WILLIAMS,

Defendant-Appellant.

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UNPUBLISHED

March 19, 2002

No. 228689

Wayne Circuit Court

LC No. 99-009387

Before: Hood, P.J., and Gage and Murray, JJ.

PER CURIAM.

Following a bench trial, defendant was convicted of unarmed robbery, MCL 750.530, assault with intent to do great bodily harm less than murder, MCL 750.84, and assault and battery, MCL 750.81(1). He was sentenced, as a second habitual offender, MCL 769.10, to 5 to 22½ years' imprisonment for the unarmed robbery conviction, five to fifteen years' imprisonment for the assault with intent to do great bodily harm conviction, and time served for the assault and battery conviction. Defendant appeals as of right. We affirm.

Defendant first argues that the prosecution presented insufficient evidence to support his conviction for unarmed robbery. Specifically, defendant contends that because nobody saw him take complainant Sandra Moss' jewelry and there was no evidence that he possessed the specific intent to commit robbery, his conviction must be reversed. We disagree. When reviewing a challenge to the sufficiency of the evidence in a bench trial, this Court views the evidence in the light most favorable to the prosecution to determine whether a rational trier of fact could find that the elements of the charged offense were proved beyond a reasonable doubt. *People v Petrella*, 424 Mich 221, 268-270; 380 NW2d 11 (1985); *People v Kemp*, 202 Mich App 318, 322; 508 NW2d 184 (1993).

The elements of unarmed robbery are: (1) a felonious taking of property from another, (2) by force or violence or assault or putting in fear, and (3) being unarmed. MCL 750.530; *People v Johnson*, 206 Mich App 122, 125-126; 520 NW2d 672 (1994). Circumstantial evidence and the reasonable inferences that arise from the evidence can constitute satisfactory proof of the elements of an offense. *People v Noble*, 238 Mich App 647, 655; 608 NW2d 123 (1999).

Here, Moss testified that she was wearing several pieces of jewelry at the time of the alleged assault, and that the jewelry was gone when she regained consciousness after the assault.

Amber Comment testified that defendant was the only person near Moss during the time that Moss was on the ground. From this circumstantial evidence, a rational trier of fact could conclude that defendant had the intent to take the jewelry and that he took the jewelry. See *People v Martin*, 37 Mich App 295, 296; 194 NW2d 464 (1971). Further, the prosecution presented evidence that defendant had a motive to take Moss' jewelry in that he had accused her of stealing his property in the past. See *People v Sabin (After Remand)*, 463 Mich 43, 68; 614 NW2d 888 (2000). Thus, viewed in the light most favorable to the prosecution, the evidence presented was sufficient for the trial court to conclude that the prosecution proved the elements of unarmed robbery beyond a reasonable doubt.

Defendant next argues that the prosecution presented insufficient evidence that he possessed the specific intent to inflict great bodily harm on Moss. We disagree.

The elements of assault with intent to do great bodily harm less than murder are: (1) an attempt or threat with force or violence to do corporal harm to another (an assault), and (2) an intent to do great bodily harm less than murder. *People v Parcha*, 227 Mich App 236, 239; 575 NW2d 316 (1997). "To be guilty of assault with intent to do great bodily harm less than murder, one must possess an intent to do serious harm of an aggravated nature." *People v Compian*, 38 Mich App 289, 301; 196 NW2d 353 (1972). Again, circumstantial evidence and the reasonable inferences that arise from the evidence can constitute satisfactory proof of the elements of an offense, including intent. *Noble, supra*; *Perez-DeLeon*, 224 MA 43, 59; 568 NW2d 324 (1997).

Here, the evidence showed that defendant engaged in a prolonged beating of Moss, not only hitting her three times in the head, but kicking her repeatedly as she lay on the ground. Moss sustained a two-inch cut to her head that had to be stapled closed. Her face was so swollen that she could not open her eyes for two to three days, her jaw was out of place, she had bruises over much of her body, and her finger required a splint. Also, the evidence showed that Moss lost consciousness at some point during the beating. From the evidence of defendant's actions, as well as the evidence of Moss' injuries, a rational trier of fact could conclude that defendant had the specific intent to do great bodily harm to Moss.

Defendant's last argument on appeal is that the trial court failed to address a voluntary intoxication defense in its findings. However, defendant did not raise a voluntary intoxication defense at trial. Rather, he made a passing reference during closing argument to the evidence that defendant had been drinking. Accordingly, we review only for plain error affecting defendant's substantial rights. *People v Carines*, 460 Mich 750, 763; 597 NW2d 130 (1999). In a bench trial, factual findings are sufficient as long as it appears that the trial court was aware of the issues and correctly applied the law. *Kemp, supra*.

Voluntary intoxication is a defense to a specific intent crime if the defendant's intoxication was so great that he was unable to form the requisite intent. *People v Gomez*, 229 Mich App 329, 332; 581 NW2d 289 (1998); *People v Maleski*, 220 Mich App 518, 521; 560 NW2d 71 (1996). Both unarmed robbery and assault with intent to do great bodily harm are specific intent crimes. *People v Booth*, 414 Mich 343, 361; 324 NW2d 741 (1982); *People v Mack*, 112 Mich App 605, 611; 317 NW2d 190 (1981). However, as noted above, defendant did not argue that he was so intoxicated that he was unable to form the requisite intent to commit unarmed robbery or assault with intent to do great bodily harm. In any event, although the evidence supported a finding that defendant had been drinking beer, there was insufficient

evidence to allow a rational trier of fact to conclude that defendant was so intoxicated that he could not form the requisite intent to commit the charged crimes. Indeed, the evidence showed that defendant stopped kicking Moss long enough to have a conversation with someone, and then resumed the beating after the person left.

The trial court addressed all the issues raised by defendant in its findings of fact and conclusions of law. Those findings and conclusions show that the court was aware of the issues in the case and correctly applied the law. Accordingly, there was no plain error affecting defendant's substantial rights, and reversal is not warranted.

Affirmed.

/s/ Harold Hood  
/s/ Hilda R. Gage  
/s/ Christopher M. Murray