

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

LAWRENCE LAMAR TOWNSEND,

Defendant-Appellant.

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UNPUBLISHED

May 10, 2002

No. 227058

Kent Circuit Court

LC No. 97-005634-FC

Before: Owens, P.J., and Markey and Murray, JJ.

PER CURIAM.

Defendant appeals as of right from his jury trial conviction for assault with intent to commit murder, MCL 750.83, for which he was sentenced to sixteen to sixty years' imprisonment. We affirm.

Defendant contends on appeal that there was insufficient evidence to support his conviction. Specifically, defendant argues that the prosecution failed to show that he possessed the requisite intent to kill. We disagree. When determining whether sufficient evidence has been presented to sustain a conviction, a court must view the evidence in the 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, amended 441 Mich 1201 (1992).

To establish the offense of assault with intent to commit murder, the prosecution must prove each of the following elements beyond a reasonable doubt: "(1) an assault, (2) with an actual intent to kill, (3) which, if successful, would make the killing murder." *People v McRunels*, 237 Mich App 168, 181; 603 NW2d 95 (1999). "A conviction for assault with intent to commit murder must be premised upon the defendant's specific intent to kill." *People v Edwards*, 171 Mich App 613, 620; 431 NW2d 83 (1988). The requisite intent to kill may be proven by inference from any facts in evidence. *McRunels, supra* at 181. Moreover, because of the difficulty in proving a defendant's state of mind, the showing of even minimal circumstantial evidence is sufficient. *Id.* Specifically, this Court has held that the intent element of an assault with intent to commit murder charge "may be proven indirectly by inference from the conduct of the accused and surrounding circumstances from which it logically and reasonably follows." *People v Johnson*, 54 Mich App 303, 304; 220 NW2d 705 (1974). The jury may take into consideration "the nature of the defendant's acts constituting the assault; the temper or disposition of mind with which they were apparently performed, whether the instrument and

means used were naturally adapted to produce death, [the defendant's] conduct and declarations prior to, and all other circumstantial evidence calculated to throw light upon the intention with which the assault was made." *People v Taylor*, 422 Mich 554, 567-568; 375 NW2d 1 (1985) (citations omitted).

The evidence presented in this case, when viewed in the light most favorable to the prosecution, was sufficient to allow the jury to conclude, beyond a reasonable doubt, that defendant possessed the requisite intent to kill at the time of the assault. The testimony established that after the commission of the robbery, defendant chased after the victim, who was in retreat, and stabbed the victim with a knife, an instrument "naturally adapted to produce death." Furthermore, it was undisputed that the victim was stabbed multiple times, with enough force to penetrate and substantially injure her chest cavity and both lungs. The treating surgeon testified that these actions and resulting injuries were "life threatening" and could have caused the victim to suffocate. These facts support the inference that defendant intended to kill the victim. Therefore, the evidence was sufficient to support a finding of guilt beyond a reasonable doubt for the offense of assault with intent to commit murder.

Affirmed.

/s/ Donald S. Owens

/s/ Jane E. Markey

/s/ Christopher M. Murray