

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DARRANN CAMPBELL,

Defendant-Appellant.

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UNPUBLISHED  
February 17, 2004

No. 243814  
Wayne Circuit Court  
LC No. 01-006023

Before: Schuette, P.J., and Meter and Owens, JJ.

MEMORANDUM.

Defendant appeals as of right from his convictions by a jury of felonious assault, MCL 750.82, carrying a concealed weapon (CCW), MCL 750.227, and possession of a firearm during the commission of a felony, MCL 750.227b. He was sentenced to five years' probation on the assault and CCW convictions and to a two-year term for felony-firearm. We affirm.

Defendant's sole claim on appeal is that the evidence was insufficient to sustain the verdicts. In reviewing the sufficiency of the evidence in a criminal case, this Court must review the record de novo and, viewing the evidence in a light most favorable to the prosecution, determine whether a rational trier of fact could find that the essential elements of the crime were proven beyond a reasonable doubt. *People v Hoffman*, 225 Mich App 103, 111; 570 NW2d 146 (1997); *People v Hammons*, 210 Mich App 554, 556; 534 NW2d 183 (1995). Circumstantial evidence and reasonable inferences drawn therefrom can be sufficient to prove the elements of a crime. *People v Nowack*, 462 Mich 392, 400; 614 NW2d 78 (2000). All conflicts in the evidence are to be resolved in favor of the prosecution. *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997).

The CCW charge was predicated on the fact that defendant carried a weapon in his vehicle in violation of his permit. The elements of the crime are (1) the presence of a weapon in a vehicle operated or occupied by the defendant, (2) that defendant knew or was aware of the weapon's presence, and (3) that the defendant was "carrying" the weapon. *People v Nimeth*, 236 Mich App 616, 622; 601 NW2d 393 (1999). "Carrying" is similar to possession and denotes intentional control or dominion over the weapon. *People v Butler*, 413 Mich 377, 390 n 11; 319 NW2d 540 (1982). The evidence showed that defendant owned a registered gun and that he was required to unload the gun and place it in the trunk of his car if he carried it while off duty from his job. Defendant admitted that he had the gun in his car while off duty and that it was not in

the trunk. Such evidence was sufficient to prove the elements of the crime beyond a reasonable doubt.

Both felonious assault and felony-firearm require proof that defendant was in possession of a weapon. *People v Avant*, 235 Mich App 499, 505; 597 NW2d 864 (1999). Several witnesses testified that defendant had a gun in his hand and that defendant pointed the gun at the complainant and threatened to shoot. Such evidence, if believed, was sufficient to prove beyond a reasonable doubt that defendant feloniously assaulted complainant with a firearm. *Id.* at 505-506. Although defendant disputes the veracity of the witnesses' testimony and testified that he did not have his gun on his person, "the issue of credibility is for the jury to decide and we will not resolve credibility issues anew on appeal." *People v Milstead*, 250 Mich App 391, 404; 648 NW2d 648 (2002).

Affirmed.

/s/ Bill Schuette

/s/ Patrick M. Meter

/s/ Donald S. Owens