

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ROLAND ANTHONY LONGGREAR,

Defendant-Appellant.

UNPUBLISHED

June 15, 2004

No. 246889

Wayne Circuit Court

LC No. 02-006463

Before: Smolenski, P.J., and White and Kelly, JJ.

PER CURIAM.

Defendant appeals as of right from his conviction by a jury of first-degree premeditated murder, MCL 750.316(1). The trial court sentenced him to life in prison without eligibility for parole. We affirm.

Defendant contends that the trial court erred in denying his motion for a directed verdict because the prosecution failed to present sufficient evidence to establish that he acted with premeditation and deliberation when killing the decedent. We review de novo a trial court's decision to deny a motion for a directed verdict. *People v Aldrich*, 246 Mich App 101, 122; 631 NW2d 67 (2001). Our Supreme Court has provided the following standard for assessing motions for directed verdicts:

[A] trial court must consider the evidence presented by the prosecution to the time the motion is made and in a light most favorable to the prosecution, and determine whether a rational trier of fact could have found that the essential elements of the crime were proved beyond a reasonable doubt. [*People v Riley*, 468 Mich 135, 139; 659 NW2d 611 (2003)].

Circumstantial evidence and the reasonable inferences arising from it may constitute sufficient evidence of the elements of a crime. *People v Bulmer*, 256 Mich App 33, 37; 662 NW2d 117 (2003).

In order to prove that a defendant committed first-degree murder, “the prosecution must prove that the defendant intentionally killed the victim and that the killing was premeditated and deliberate.” *People v Marsack*, 231 Mich App 364, 370; 586 NW2d 234 (1998). In *People v Gonzalez*, 468 Mich 636, 641; 664 NW2d 159 (2003), our Supreme Court explained:

To show first-degree premeditated murder, some time span between the initial homicidal intent and ultimate action is necessary to establish premeditation and deliberation. The interval between the initial thought and ultimate action should be long enough to afford a reasonable person time to take a “second look.” [Internal citations and quotations omitted.]

In the instant case, the prosecution presented several witnesses who described what defendant had told them about the circumstances surrounding the decedent’s death. Defendant’s fiancée testified that defendant told her the decedent came to his house and requested money in return for decedent’s promise not to testify against him. When defendant refused, the decedent attacked him with a knife and defendant picked up something with which to defend himself. Defendant’s nephew similarly testified that defendant told him that the decedent came to his house with a weapon and demanded money. In response, defendant beat the decedent with a hammer and then took him down into the basement where he nearly cut the decedent’s head off.

Additionally, an evidence technician from the Detroit Police Department testified that he discovered blood splatter marks on a wall in defendant’s living room and a bloody drag mark leading into the kitchen. In the kitchen, he discovered an extension cord that stretched down into the basement and was attached to an electric chainsaw that was left near where the decedent’s body was found.

Finally, the medical examiner who performed the decedent’s autopsy testified that several hours before his death, the decedent was struck in the knees with a blunt object and had both of his kneecaps dislocated. Just before his death, the decedent was struck three times in the head with a blunt object that may have been a hammer. Although the injuries from these blows would have eventually been fatal, the decedent was still alive when his throat was cut a few minutes later. She described the fatal wound as a gaping cut along the entire front of the decedent’s neck that was consistent with having been caused by a chainsaw.

Based on the evidence presented up to the time of defendant’s motion, viewed in the light most favorable to the prosecution, a rational jury could have inferred that defendant acted with premeditation and deliberation when he took the specific actions which led to the decedent’s death. The medical examiner testified that the decedent’s initial injuries likely occurred at least several hours before those that caused the decedent’s death. The record also supports an inference that, while decedent was still alive, defendant dragged him down to his basement, procured a chainsaw, and inflicted the wound that ultimately caused the decedent’s death. The time it took to accomplish this was certainly long enough to afford a reasonable person time to take a “second look.” Thus, we find that the trial court did not err in denying defendant’s motion for a directed verdict.

Affirmed.

/s/ Michael R. Smolenski
/s/ Helene N. White
/s/ Kirsten Frank Kelly