STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JOHN J. LAWSON,

Defendant-Appellant.

UNPUBLISHED
August 12, 2004

No. 246716
Wayne Circuit Court
LC No. 01-013679-01

Before: Cavanagh, P.J., and Jansen and Saad, JJ.

PER CURIAM.

Defendant appeals as of right his jury trial conviction of first-degree murder, MCL 750.316. We affirm.

On appeal, defendant first contends that there was insufficient evidence to convict him of first-degree murder. Defendant claims that no rational trier of fact could find that premeditation and deliberation were proven beyond a reasonable doubt. We disagree. We review the sufficiency of evidence in a criminal case in the light most favorable to the prosecution to determine whether a rational trier of fact could find the essential elements of the crime were proven beyond a reasonable doubt. *People v Nowack*, 462 Mich 392, 399-400; 614 NW2d 78 (2000); *People v Bowman*, 254 Mich App 142, 151; 656 NW2d 835 (2002). We must give deference to the jury's findings by determining all reasonable inferences and credibility choices in favor of the jury's verdict. *Nowack*, *supra* at 400.

To convict a defendant of first-degree murder, the prosecution must prove that the defendant intended to kill the victim, and the killing was premeditated and deliberate. *People v Kelly*, 231 Mich App 627, 642; 588 NW2d 480 (1998). To prove premeditation and deliberation, the prosecution must show that the defendant thought about taking the victim's life beforehand and pondered and evaluated for some appreciable, though not specific, amount of time the major aspects of this choice before the act occurred. *People v Plummer*, 229 Mich App 293, 300; 581 NW2d 753 (1998). The elements of premeditation and deliberation require "substantially more reflection on and comprehension of the nature of the act than the mere amount of thought necessary to form the intent to kill." *Id*. at 301. The defendant must have had time to take a "second look" at his actions or "pause" between the thought and the action itself. *People v Abraham (In Re Abraham)*, 234 Mich App 640, 656; 599 NW2d 736 (1999); *Plummer*, *supra* at 300-301. The jury can infer premeditation and deliberation from the circumstances as long as the inferences are supported from the record and are not merely speculative. *People v Jolly*, 442

Mich 458, 466; 502 NW2d 177 (1993), citing *People v Schollaert*, 194 Mich App 158, 170; 486 NW2d 312 (1992); *Plummer*, *supra* at 301. Moreover, because a killing occurred in an unexpected confrontation does not prevent a finding of premeditation and deliberation. *People v Gonzalez*, 178 Mich App 526, 532-534; 444 NW2d 228 (1989). The following non-exhaustive list of factors may be considered to establish premeditation: 1) the prior relationship of the parties, 2) the defendant's actions before the killing, 3) the surrounding circumstances of the killing, and 4) the defendant's conduct after the killing. *Id*. at 533, quoting *People v Furman*, 158 Mich App 302, 308; 404 NW2d 246 (1987).

The prosecution presented evidence of defendant's troubled relationship with the victim, Barbara Lawson-Singletary. There was evidence that Singletary would not permit defendant to drive her car, would not give defendant the key to her house and defendant owed Singletary money. There was also evidence that defendant had purchased duct tape "to wrap some things up." Defendant told a friend that an abandoned warehouse was a place where defendant could put something and it would never be found. Defendant also told neighbors that he did not know Singletary's whereabouts. Moreover, defendant admitted to killing Singletary in a statement to the police immediately after his arrest. Defendant admitted to stabbing Singletary multiple times after she had started "fussing and cussing" at him, telling him he had to leave the next morning, and swiping at him with a butcher knife. While Singletary was still moaning, defendant admitted to leaving the house for some cigarettes. Defendant told the police that, when he returned to the house, he did not know if Singletary was still alive. He sat on the couch and smoked a cigarette. Then he cleaned up the blood and wrapped the body in sheets. Defendant admitted that a circular saw was in the house because he had contemplated cutting up the body so that it could be moved. He also contemplated burning down the house. Defendant fled from the police. There was evidence of blood stains on a purple rug found on Singletary's back porch. There was also evidence of sheets, plastic, duct tape, a circular saw, a flashlight, rubber kitchen gloves, garbage bags, and suspected blood found at Singletary's house.

Although defense counsel argued that defendant killed Singletary in a frenzy in response to Singletary's verbal and physical abuse and, therefore, committed second-degree murder, the jury returned a verdict of guilty on the charge of first-degree murder. There was evidence of a strained relationship between defendant and Singletary, a brutal murder with multiple stabbings, defendant's actions to conceal the murder, defendant's flight from the police and defendant's confession to the murder. The jury could have reasonably inferred from the testimonial and circumstantial evidence that defendant's actions in killing Singletary were premeditated and deliberate. See *Jolly*, *supra*; *Plummer*, *supra*. When viewed in the light most favorable to the prosecution, we hold that there was sufficient evidence from which the jury could find that the essential elements of premeditation and deliberation were proven beyond a reasonable doubt, and thus, sufficient evidence to support defendant's conviction of first-degree murder.

Defendant's second claim on appeal is that the trial court erred in denying defendant's motion for a directed verdict and in submitting the case to the jury on the charge of first-degree murder. Defendant asserts that there was insufficient evidence of his premeditation or deliberation of the killing. We disagree. We review de novo a trial court's decision on a motion for directed verdict to determine whether the evidence presented up to the time the motion was made, viewed in the light most favorable to the prosecution, was sufficient to persuade a rational

trier of fact that the essential elements of the crime charged were proven beyond a reasonable doubt. *People v Aldrich*, 246 Mich App 101, 122; 631 NW2d 67 (2001).

The prosecution presented evidence of a troubled relationship between defendant and Singletary, a vicious murder with multiple stabbings, defendant's attempts to conceal the murder, defendant's flight from the police and defendant's confession to the murder. A rational trier of fact could have found that the circumstances surrounding the killing were sufficient to prove that defendant premeditated and deliberated the killing. We conclude that, just as there was sufficient evidence to sustain defendant's conviction, there was sufficient evidence to submit the case to the jury on the charge of first-degree murder.

Defendant's third claim on appeal is that the evidence was insufficient to bind defendant over for trial on the charge of first-degree murder. Defendant asserts that the prosecution failed to present sufficient evidence of defendant's premeditation and deliberation of the killing. Recently, the Michigan Supreme Court ruled: "If a defendant is fairly convicted at trial, no appeal lies regarding whether the evidence at the preliminary examination was sufficient to warrant a bindover." *People v Wilson*, 469 Mich 1011; 677 NW2d 29 (2004), citing *People v Hall*, 435 Mich 599, 601-603; 460 NW2d 520 (1990), and *People v Yost*, 468 Mich 122, 124 n 2; 659 NW2d 604 (2003). Because defendant was fairly convicted at trial, we conclude that the issue of sufficiency of evidence to bind defendant over for trial need not be addressed.

Defendant's fourth issue on appeal is that the trial court erred in refusing to instruct the jury according to CJI2d 3.9 on the element of specific intent for first-degree murder. We note that, because defendant failed to state this issue in the statement of questions presented section of his brief on appeal, this issue was not properly presented to this Court. See MCR 7.212(C)(5); *People v Brown*, 239 Mich App 735, 748; 610 NW2d 234 (2000).

Affirmed.

/s/ Mark J. Cavanagh
/s/ Kathleen Jansen
/s/ Henry William Saad