

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

---

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

UNPUBLISHED  
September 9, 2014

v

WILLIAM RODNEY FERGUSON,  
Defendant-Appellant.

No. 315132  
Wayne Circuit Court  
LC No. 12-008993-FH

---

Before: RIORDAN, P.J., and DONOFRIO and BOONSTRA, JJ.

PER CURIAM.

Defendant was convicted after a bench trial of assault with a dangerous weapon (felonious assault), MCL 750.82, and reckless driving, MCL 257.626. Defendant was sentenced to two years' probation. Defendant now appeals his felonious assault conviction.<sup>1</sup> We affirm.

**I. FACTUAL BACKGROUND**

Defendant and his girlfriend were at a bar in Dearborn Heights, Michigan, when they got into a verbal altercation with Clara Gatt and Jeremy Shuford. The argument centered on the fact that defendant's girlfriend was videotaping in the bar. Defendant and his girlfriend eventually left the bar, but the argument ensued, and other individuals became involved. While defendant and his girlfriend testified that the crowd began to chase his girlfriend and pushed her down, an eyewitness from a nearby house said that she tripped on the sidewalk.

Defendant eventually walked toward his car and drove northbound, away from the bar. Gatt and Shuford chased the car down the street. The eyewitness saw defendant turn around and drive back toward the bar, and yell at Gatt and Shuford. Defendant then drove onto the sidewalk toward Gatt and Shuford, which the eyewitness characterized as an attempt to chase them. Another eyewitness confirmed that the car drove in the direction of the sidewalk where the couple was standing but that they moved out of the way before the car started to move. Shuford

---

<sup>1</sup> Defendant does not challenge the dangerous weapon element, nor does he raise a challenge to his reckless driving conviction.

and Gatt testified that defendant drove straight at them, and Shuford pushed Gatt out of the way so that she would not be hit.

While defendant admitted that he drove back toward the bar, he claimed that he only did so because he feared for his girlfriend's safety as he had left her behind. Although defendant also admitted to driving onto the grass and sidewalk, he claimed that it was a narrow street and he was just turning around. Defendant testified that he maintained a 15-foot distance from Gatt and Shuford.

It is undisputed that after defendant passed Gatt and Shuford, he drove away, parked the car on the street, and left on foot. The responding officer observed evidence consistent with the victim's story, including two sets of tire marks indicative of the car driving onto the sidewalk. The officer also discovered defendant's car and address, and went to defendant's house. While the officer saw defendant and knocked, the lights went out and defendant did not respond.

The court convicted defendant of felonious assault, MCL 750.82, and reckless driving, MCL 257.626. Defendant was sentenced to two years' probation. Defendant now appeals.

## II. SUFFICIENCY OF THE EVIDENCE

### A. STANDARD OF REVIEW

“Due process requires that a prosecutor introduce evidence sufficient to justify a trier of fact to conclude that the defendant is guilty beyond a reasonable doubt.” *People v Tombs*, 260 Mich App 201, 206-207; 679 NW2d 77 (2003). We review “de novo a challenge on appeal to the sufficiency of the evidence.” *People v Ericksen*, 288 Mich App 192, 195; 793 NW2d 120 (2010). “In determining whether the prosecutor has presented sufficient evidence to sustain a conviction, an appellate court is required to take the evidence in the light most favorable to the prosecutor” to ascertain “whether a rational trier of fact could find the defendant guilty beyond a reasonable doubt.” *People v Tennyson*, 487 Mich 730, 735; 790 NW2d 354 (2010) (quotation marks and citations omitted). “All conflicts in the evidence must be resolved in favor of the prosecution and we will not interfere with the jury's determinations regarding the weight of the evidence and the credibility of the witnesses.” *People v Unger*, 278 Mich App 210, 222; 749 NW2d 272 (2008).

### B. ANALYSIS

The elements of felonious assault are: “(1) an assault, (2) with a dangerous weapon, and (3) with the intent to injure or place the victim in reasonable apprehension of an immediate battery.” *People v Nix*, 301 Mich App 195, 205; 836 NW2d 224 (2013) (quotation marks and citation omitted). “An assault may be established by showing either an attempt to commit a battery or an unlawful act that places another in reasonable apprehension of receiving an immediate battery.” *People v Starks*, 473 Mich 227, 234; 701 NW2d 136 (2005). Further, a motor vehicle may be considered a dangerous weapon in certain contexts. *People v Sheets*, 138 Mich App 794, 799; 360 NW2d 301 (1984).

On appeal, defendant advances numerous challenges to the witnesses' credibility. However, these arguments are meritless. It is axiomatic that this Court will not interfere with the

trier of fact's determination regarding the weight or credibility of the evidence. *Unger*, 278 Mich App at 222. Furthermore, viewing the evidence in the light most favorable to the prosecution, we conclude that the elements of felonious assault were established beyond a reasonable doubt.

Gatt and Shuford testified that defendant drove his car over the curb and directly toward them. Shuford had to push Gatt out of the way to save her from being hit with defendant's car. An eyewitness from a nearby house verified that defendant's car drove toward Gatt and Shuford, and that defendant appeared to be chasing them. Another eyewitness confirmed that Gatt and Shuford were in harm's way at one point. At the very least, this evidence supports the court's conclusion that Gatt was placed in reasonable apprehension of an immediate battery when she observed defendant's car drive onto the sidewalk and directly toward her.

The evidence also supports the trial court's conclusion that defendant acted with the requisite intent, namely, with the intent to injure or place Gatt in reasonable apprehension of an immediate battery. See *Nix*, 301 Mich App at 205. "Intent, like any other fact, may be proven indirectly by inference from the conduct of the accused and surrounding circumstances from which it logically and reasonably follows." *People v Lawton*, 196 Mich App 341, 349; 492 NW2d 810 (1992) (quotation marks and citation omitted). Here, the evidence established that defendant was heading away from the bar. But, then, he deliberately turned his car back to continue his argument with Gatt and Shuford. Defendant then drove his car directly toward Gatt and Shuford. From such facts, a rational trier of fact could infer that defendant intended to either injure Gatt, or place her in reasonable apprehension of being hit.

Moreover, defendant's intent becomes more obvious when viewed in the broader context of the events that transpired at the bar. Defendant engaged in a heated argument with Gatt and Shuford immediately before the car incident. The confrontation continued after defendant left the bar, and escalated to the extent that Shuford was chasing defendant's car and Gatt was yelling that she had called the police. A rational trier of fact could easily conclude that defendant's anger was intensified by these actions, and when he subsequently drove his car at Gatt, he intended to injure or place her in reasonable apprehension of an immediate battery.<sup>2</sup>

Viewing the evidence in the light most favorable to the prosecution, we conclude that the essential elements of felonious assault were proven beyond a reasonable doubt.

---

<sup>2</sup> Moreover, as the prosecution notes, defendant parked his car and fled the scene after the incident. "Evidence of flight is admissible to support an inference of consciousness of guilt and the term 'flight' includes such actions as fleeing the scene of the crime." *Unger*, 278 Mich App at 226 (quotation marks and citation omitted).

### III. CONCLUSION

Because sufficient evidence supported defendant's convictions, we affirm.

/s/ Michael J. Riordan

/s/ Pat M. Donofrio

/s/ Mark T. Boonstra