

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

UNPUBLISHED
January 22, 2013

v

FREDMUN WAYNE REYNOLDS,

Defendant-Appellant.

No. 308323
Ingham Circuit Court
LC No. 11-000620-FC

Before: OWENS, P.J., and FITZGERALD and RIORDAN, JJ.

PER CURIAM.

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

I. FACTUAL BACKGROUND

The victim, defendant's wife, was stabbed to death and had multiple abrasions on her body that were consistent with defensive wounds. Neighbors testified that they heard a loud female shriek and a stumbling noise coming from the direction of the victim's apartment. When they opened the door, they found the victim lying on the ground, attempting to stand, and struggling to breathe. When asked what happened, the victim stated "[k]nife, Fred, can't breathe." Defendant came out of the victim's apartment and yelled "[W]here's she at?" While the neighbors called 911, the victim stopped breathing and died.

While defendant admitted that he and the victim fought, he claimed that he was extremely intoxicated and that the victim had been choking him. He did not remember stabbing the victim, but admitted that he had a knife in his hand and could be responsible for the victim's wounds. Four police officers testified that defendant had no wounds on his neck and face region. As for intoxication, one of the neighbors and three police officers testified that defendant displayed no signs of intoxication. Defendant was convicted of first-degree murder. Defendant now appeals.

II. SUFFICIENCY OF THE EVIDENCE

A. Standard of Review

Defendant argues that there was insufficient evidence to sustain his conviction because the prosecution failed to disprove his claim of self-defense. “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). This Court reviews “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). Lastly, “[c]ircumstantial evidence and reasonable inferences arising from that evidence can constitute satisfactory proof of the elements of a crime.” *People v Allen*, 201 Mich App 98, 100; 505 NW2d 869 (1993).

B. Analysis

MCL 780.972(1)(a) provides that an individual may use deadly force against another when he is not engaged in criminal activity and “honestly and reasonably believes that the use of deadly force is necessary to prevent the imminent death of or imminent great bodily harm to himself or herself or to another individual.” Furthermore, “[o]nce evidence of self-defense is introduced, the prosecutor bears the burden of disproving it beyond a reasonable doubt.” *People v Roper*, 286 Mich App 77, 86; 777 NW2d 483 (2009) (quotation marks and citation omitted).

Defendant testified that on the night of the murder, he was so intoxicated that he did not know where he was going, what he was doing, or what he was seeing. Yet, he remembered fighting with the victim, being choked by her, and hearing her say she was going to kill him. Defendant testified that he was scared he was going to die, he was struggling to breathe, and he was struggling with the victim. He testified that although he could not move, somehow a knife came into his hand. Although he allegedly had no memory of the stabbing, defendant admitted that he could have been responsible for the victim’s stab wounds.

The prosecution submitted testimony directly conflicting with defendant’s story, such as the lack of any injuries on defendant that would indicate he struggled with the victim. Two police officers testified that defendant had no apparent scratches or bruises. Two other officers present when pictures of defendant were being taken testified that they did not observe any injuries, bruising, defensive wounds, or abrasions on defendant’s person. In fact, when asked whether he had any injuries, defendant replied that he had no injuries except that his hands hurt from the handcuffs. Three police officers and one of defendant’s neighbors testified that defendant displayed no signs of intoxication. Moreover, while defendant claimed that two people could verify his excessive drinking on the day of the murder, he did not know their full

names despite knowing them for a number of years and neither of these two individuals testified at trial.

The prosecution also submitted evidence that undermined defendant's testimony that he stabbed the victim in self-defense with a knife. While defendant claimed that the victim was holding him immobile while choking him on the couch, he also testified that a knife somehow appeared in his hand. Contrary to this implausible version of events, the prosecution submitted evidence that the knives were kept in the kitchen, which allowed a rational jury to conclude that defendant retrieved the knife from the kitchen before stabbing the victim. A rational trier of fact could infer that this directly conflicts with defendant's testimony that he stabbed the victim in self-defense while she was on top of him on the couch and while she was choking him.

Based on the evidence presented, the jury rejected defendant's theory of self-defense. We defer to the jury's assessment of credibility and draw all reasonable inferences in favor of the prosecution. *People v Kissner*, 292 Mich App 526, 533-534; 808 NW2d 522 (2011). Thus, we conclude that there was sufficient evidence to disprove defendant's theory of self-defense and support his conviction.

III. CONCLUSION

There was sufficient evidence to support defendant's conviction of first-degree murder. We affirm.

/s/ Donald S. Owens
/s/ E. Thomas Fitzgerald
/s/ Michael J. Riordan