

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of S.D.B., Minor.

PEOPLE OF THE STATE OF MICHIGAN,

Petitioner-Appellee,

v

SADE DAJON BROWN,

Respondent-Appellant.

UNPUBLISHED

September 18, 2007

No. 272335

Wayne Circuit Court

Juvenile Division

LC No. 05-441449-DL

Before: Cavanagh, P.J., and Donofrio and Servitto, JJ.

PER CURIAM.

Respondent appeals as of right from an order of disposition entered following delinquency proceedings in which the circuit court determined that respondent committed first-degree home invasion, MCL 750.110a(2), and assault with intent to do great bodily harm less than murder, MCL 750.84. We affirm.

Suzanna Cunningham testified that she heard a noise Christmas Eve morning. When she got up to investigate, she found respondent, a neighbor's child, in her living room. When Cunningham asked what respondent was doing there, respondent picked up a box cutter and set upon Cunningham, inflicting numerous cuts and stab wounds to her head, face, neck, and chest. Cunningham ran to her bedroom and called the police while holding the door closed. Police found footprints in the snow leading up to an open window on the side of the house. Respondent's fingerprints were found on the window. Respondent had fresh scratches on one hand. Her boots were wet and at least one had blood on it. There was also blood on respondent's jacket. DNA analysis matched the blood, in whole or in part, to Cunningham. The tread on respondent's boots was the same as that of the footprints found outside Cunningham's house.

Respondent testified that she was out walking her dog that morning. She did not enter Cunningham's house and attack her. Respondent's mother and a third person confirmed that respondent was out walking her dog. Respondent had done house-cleaning for Cunningham in the past and surmised that she had left her fingerprints on the windows while washing them. She could not explain Cunningham's blood on her coat and boot. Respondent's parents denied seeing any blood on respondent's coat.

Respondent's sole claim on appeal is that the evidence was insufficient to sustain the verdict. In reviewing a verdict reached in a bench trial, we review the trial court's factual findings for clear error and its conclusions of law de novo. *People v Lanzo Constr Co*, 272 Mich App 470, 473; 726 NW2d 746 (2006).

This Court reviews the evidence in a light most favorable to the prosecution to determine whether a rational trier of fact could have found that each element of the crime was proved beyond a reasonable doubt. *People v Harmon*, 248 Mich App 522, 524; 640 NW2d 314 (2001). Circumstantial evidence and reasonable inferences drawn therefrom are sufficient to prove the elements of a crime. *People v Nowack*, 462 Mich 392, 400; 614 NW2d 78 (2000).

First-degree home invasion can be proved by establishing the following elements: (1) that the respondent (a) broke and entered a dwelling, or (b) entered a dwelling without permission, (2) that the respondent committed an assault while entering, present in, or exiting the dwelling, and (3) when the respondent entered, was present in, or was leaving the dwelling, (a) she was armed with a dangerous weapon, or (b) another person was lawfully present in the dwelling. MCL 750.110a(2).

The elements of assault with intent to do great bodily harm are "(1) an attempt or threat with force or violence to do corporal harm to another (an assault), and (2) an intent to do great bodily harm less than murder." *People v Parcha*, 227 Mich App 236, 239; 575 NW2d 316 (1997). "Great bodily harm means a physical injury that could seriously and permanently harm the health or function of the body." CJI2d 17.7(4). This is a specific intent crime, *Parcha*, *supra*, and the respondent's intent may be inferred from all the facts and circumstances surrounding the crime. *People v Lugo*, 214 Mich App 699, 709-710; 542 NW2d 921 (1995). The respondent's intent can be inferred from her acts, the means employed to commit the assault itself, and the extent of the victim's injuries, although actual physical injury is not a necessary element of the crime. *People v Harrington*, 194 Mich App 424, 430; 487 NW2d 479 (1992); *People v Cunningham*, 21 Mich App 381, 384; 175 NW2d 781 (1970); CJI2d 17.7(4).

Cunningham testified that she found respondent inside her home and respondent attacked her with a box cutter, inflicting numerous wounds. Footprints consistent with respondent's boots were found outside the window where entry was made, respondent's fingerprints were on the window, and Cunningham's blood was on respondent's outerwear. Such evidence if believed was sufficient to prove beyond a reasonable doubt that respondent committed the crimes charged. While respondent presented evidence indicating that she did not commit the offense, this Court will not substitute its judgment for that of the trial court but will defer to the trial court's resolution of factual issues that involve the credibility of witnesses. *People v Cartwright*, 454 Mich 550, 555; 563 NW2d 208 (1997); *People v Martin*, 199 Mich App 124, 125; 501 NW2d 198 (1993).

Affirmed.

/s/ Mark J. Cavanagh
/s/ Pat M. Donofrio
/s/ Deborah A. Servitto