

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DALE CURTIS KNOWLES,

Defendant-Appellant.

UNPUBLISHED

May17, 2007

No. 267260

Mason Circuit Court

LC No. 04-191400-FC

Before: Schuette, P.J., O’Connell and Davis, JJ.

PER CURIAM.

Defendant appeals as of right from his jury trial convictions of second-degree murder, MCL 750.317, and assault and infliction of a serious injury, MCL 750.81a. We affirm.

At trial the prosecution introduced evidence that defendant and his friends Raymond Allen Anthony, Donald Case, and Amy Noland went to Luis Fernando Ruiz-Mejia’s apartment purportedly to socialize with Ruiz-Mejia and his cousin Oscar (Christian) Elvir. While Elvir was inside the apartment, Ruiz-Mejia was stabbed outside. When Elvir came outside and saw his cousin, he attempted to stop defendant and his friends from fleeing by grabbing Noland’s hair. Defendant proceeded to stab Elvir in the arm until he let go of Noland. Elvir was also stabbed in the stomach. Elvir believed his stomach wound was inflicted by Case.

Defendant asserts that the trial court erred in dismissing his motion for a directed verdict because insufficient proof was offered that he was the person who caused Ruiz-Mejia’s death. We disagree. We review de novo a trial court’s denial of a motion for directed verdict based on a sufficiency of the evidence challenge, viewing the evidence in the light most favorable to the prosecution and determine whether a rational trier of fact could find that the essential elements of the crime were proven beyond a reasonable doubt. *People v Gills*, 474 Mich 105, 113; 712 NW2d 419 (2006). We consider only that evidence presented up to the time the motion was made. *People v Allay*, 171 Mich App 602, 605; 430 NW2d 794 (1988). Circumstantial evidence and the reasonable inferences that arise therefrom can constitute sufficient proof of the elements of a crime. *People v Carines*, 460 Mich 750, 757; 597 NW2d 130 (1999).

Anthony, Case, and Noland all testified that they saw defendant striking Ruiz-Mejia. However, Mason County Medical Examiner Marc Keen testified that Ruiz-Mejia’s body did not have any bruising indicative of his having been in a struggle. Rather, he had knife wounds on

the left side and left front side of his body. Thus, the jury might reasonably have concluded that the striking motions the witnesses observed were actually stabbing motions.

Keen further testified that Ruiz-Mejia's attacker was likely facing the victim on the victim's right side, or behind him. While Noland testified that defendant was standing in front of Ruiz-Mejia, Case testified that he believed defendant was standing at Ruiz-Mejia's side. Anthony did not testify as to where defendant was standing in relation to Ruiz-Mejia, but did testify that Case was standing to Ruiz-Mejia's left side and that defendant had "punched" Ruiz-Mejia in the back of the ribs. Because defendant could not punch Ruiz-Mejia through Case and would not likely have been able to punch Ruiz-Mejia in the back of the ribs while standing in front of him, Anthony's testimony suggests defendant was at Ruiz-Mejia's right side or behind him. Thus, both Case and Anthony gave testimony that placed defendant in a location from where Keen testified Ruiz-Mejia's wounds could have been most easily inflicted.

Further, Noland testified that when she saw defendant swinging his arms at Ruiz-Mejia, she could see something reflecting in the light, although she was unable to identify it. Defendant admitted to the police having a knife on the night in question that he had taken from his girlfriend Lynn Adams's house. A knife box found in Adams's apartment had defendant's right thumb print on it. Keen testified that a demonstration knife similar to the one missing from this knife box had a hilt of approximately the same size as a hilt impression left on Ruiz-Mejia's bloody shirt. He also testified that all the wounds were likely caused by a single knife and that the wounds were consistent with having been inflicted with a knife similar to the one missing from Adams's house. From this evidence, the jury could reasonably have concluded that the knife used to stab Ruiz-Mejia was the knife taken by defendant from Adams's house.

In addition, defendant made several inculpatory statements from which the jury might reasonably have inferred that he was Ruiz-Mejia's killer, especially when those statements are viewed in light of the other evidence discussed above. Specifically, defendant admitted that he had stabbed three people including accidentally stabbing Case, that he had taken someone's life, that he had thought he was the only person with a knife, that he had stabbed someone in the chest, and that he knew one of the men he stabbed had died.

Further, while the prosecution was not required to specifically disprove defendant's theory that Case murdered Ruiz-Mejia, *People v Hardiman*, 466 Mich 417, 423-424; 646 NW2d 158 (2002), there were reasons for the jury to reject that theory beyond defendant's previously referenced admissions. Notably, Keen testified that there was an area on Ruiz-Mejia's body between two groupings of stab wounds that was free of such wounds. Keen opined that this "could possibly be where an arm went to hold him [Ruiz-Mejia] back." Anthony testified that he saw Case grab Ruiz-Mejia by the neck, Case admitted briefly grabbing Ruiz-Mejia around the stomach, and Noland testified that she saw Case grab Ruiz-Mejia with one arm under his neck and the other over his head. While this testimony was not consistent with regard to how Case grabbed Ruiz-Mejia, it was consistent on the fact that Case did grab him. The fact that there were no defensive wounds on Ruiz-Mejia's hands or forearms supports the theory that Case was holding Ruiz-Mejia while defendant stabbed him, with Case's arm located between the two groupings of stab wounds. This explanation is further supported by the fact that Case received a stab wound to the backside of his upper left arm.

Defendant asserts that because none of Ruiz-Mejia's blood was found on defendant but was found on Case and on items Case took from Ruiz- Mejia, Case must have been the killer. However, Keen testified that the wounds inflicted on Ruiz-Mejia would not have sprayed blood more than an inch. Thus, it is consistent with Keen's testimony that the person actually holding onto Ruiz-Mejia would be more likely to end up with the victim's blood on his clothing than the person stabbing him.

Considering all the foregoing evidence in the light most favorable to the prosecution, a rational trier of fact could find that the prosecution proved beyond a reasonable doubt that defendant caused Ruiz-Mejia's death. Accordingly, the trial court did not err in denying defendant's motion for a directed verdict.

Affirmed.

/s/ Bill Schuette
/s/ Peter D. O'Connell
/s/ Alton T. Davis