STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN, Plaintiff-Appellee,	UNPUBLISHED November 20, 2012
v	No. 307661 Calhoun Circuit Court
QUENTIN JAMES BROOM, a/k/a QUENTIN JAMES BROOM, JR., Defendant-Appellant.	LC No. 2011-002020-FH

Before: TALBOT, P.J., and BECKERING and M. J. KELLY, JJ.

PER CURIAM.

Quentin James Broom, a/k/a Quentin James Broom, Jr. appeals as of right his jury trial conviction of assault with the intent to do great bodily harm less than murder,[1] and aggravated assault.[2] Broom was sentenced as a fourth habitual offender[3] to concurrent terms of three to 20 years' imprisonment for the assault with the intent to do great bodily harm less than murder conviction, and one year for the aggravated assault conviction. We affirm.

Broom argues that there was insufficient evidence presented to support his conviction for assault with the intent to do great bodily harm less than murder. Specifically, Broom claims that the evidence failed to demonstrate that he had the requisite intent because he struck the victim more than once not to cause serious injury, but to ensure that the victim would not get up and continue the fight. We disagree.

We review challenges to the sufficiency of the evidence de novo.[4] "The test for determining the sufficiency of evidence in a criminal case is whether the evidence, viewed in a light most favorable to the people, would warrant a reasonable juror in finding guilt beyond a

[1] MCL 750.84.

[2] MCL 750.81a.

[3] MCL 769.12.

[4] *People v Herndon*, 246 Mich App 371, 415; 633 NW2d 376 (2001).

reasonable doubt."[5] This Court "is required to draw all reasonable inferences and make credibility choices in support of the jury verdict."[6] "[T]he jury is the sole judge of the facts."[7] Thus, "[i]t is the function of the jury alone to listen to testimony, weigh the evidence and decide the questions of fact . . . . Juries, not appellate courts, see and hear witnesses and are in a much better position to decide the weight and credibility to be given to their testimony."[8]

"The elements of assault with intent to do great bodily harm less than murder 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.'"[9] "This Court has defined the intent to do great bodily harm as 'an intent to do serious injury of an aggravated nature.'"[10] "An intent to harm the victim can be inferred from defendant's conduct"[11] "the act itself, the means employed and the manner employed[.]"[12] "[B]ecause it can be difficult to prove a defendant's state of mind on issues such as . . . intent, minimal circumstantial evidence will suffice to establish the defendant's state of mind, which can be inferred from all the evidence presented."[13]

The record evidence supports that Broom had the intent to commit great bodily harm less than murder.[14] On June 11, 2011, Broom encountered the victim, Adam Wicker, on the top floor of a parking garage in Marshall, Michigan. Earlier that evening, Broom's former girlfriend, her sister and sister-in-law twice initiated an exchange of negative comments with Broom while he was rollerblading with a group of his friends through town. The sisters subsequently joined Wicker, who was drunk, and called Broom to determine where he was and announce that they would bring someone over to fight him. Broom provided the sisters with his location. Witnesses who were with Broom indicated that he became angry and one witness testified that Broom indicated that he wanted to kill the victim. Broom also removed his rollerblades and the jewelry that he was wearing. Evidence was presented that when Wicker arrived, he did not approach Broom or display any threatening behavior before the assault. Instead, Broom approached

---

[5] *People v Nowack*, 462 Mich 392, 399; 614 NW2d 78 (2000).

[6] *Id*. at 400.

[7] *People v Wolfe*, 440 Mich 508, 514; 489 NW2d 748 (1992), amended 441 Mich 1201 (1992), quoting *People v Palmer*, 392 Mich 370, 375; 220 NW2d 393 (1974) (quotation marks omitted).

[8] *Wolfe*, 440 Mich at 514-515 (citation and quotation marks omitted).

[9] *People v Brown*, 267 Mich App 141, 147; 703 NW2d 230 (2005), quoting *People v Parcha*, 227 Mich App 236, 239; 575 NW2d 316 (1997) (emphasis omitted).

[10] *Brown*, 267 Mich App at 147, quoting *People v Mitchell*, 149 Mich App 36, 39; 385 NW2d 717 (1986).

[11] *Parcha*, 227 Mich App at 239.

[12] *People v Leach*, 114 Mich App 732, 735; 319 NW2d 652 (1982).

[13] *People v Kanaan*, 278 Mich App 594, 622; 751 NW2d 57 (2008).

[14] *Id.*

Wicker and asked if he was there to fight him. Wicker responded that he did not want to fight or was too drunk to fight.

Broom informed Wicker that he had "three seconds" and began counting. Multiple witnesses testified that Wicker then began to move away from Broom. Before reaching three, Broom punched Wicker in the face and Wicker fell to the ground. Broom then struck Wicker between two and seven more times, before one of Broom's friends pulled Broom off of Wicker. The evidence suggests that Broom again indicated that he wanted to kill the victim. As a result of the incident, Wicker suffered multiple facial injuries, including facial bone fractures, and had a lip laceration deep enough to potentially "impair normal function of the mouth and lips."

Although there was some conflicting testimony presented, when determining whether sufficient evidence was presented, any conflicts in that regard are resolved in favor of the prosecution.[15] Additionally, this Court will not interfere with the jury's role in considering the weight of the evidence and the credibility of the witnesses.[16] Accordingly, reversal is not warranted.

Affirmed.

/s/ Michael J. Talbot
/s/ Jane M. Beckering
/s/ Michael J. Kelly

[15] *Nowack*, 462 Mich at 399-400.

[16] *Wolfe*, 440 Mich at 514-515.