

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

KALIF DEVON BOOKER,

Defendant-Appellant.

UNPUBLISHED

September 14, 2026

9:47 AM

No. 375062

Oakland Circuit Court

LC No. 2023-287185-FC

Before: BAZZI, P.J., and PATEL and ACKERMAN, JJ.

PER CURIAM.

Defendant, Kalif Devon Booker, appeals as of right his jury trial convictions for one count of assault with intent to murder (AWIM), MCL 750.83, one count of carrying a concealed weapon, MCL 750.227, and two counts of carrying a firearm during the commission of a felony (felony-firearm), MCL 750.227b. Booker was sentenced to 7 to 20 years’ imprisonment on his AWIM conviction, one to five years’ imprisonment on his carrying a concealed weapon conviction, and two years’ imprisonment on each felony-firearm conviction. We affirm.

I. FACTUAL BACKGROUND

This case arises out of a shooting that occurred on July 30, 2023, at a Shell gas station in Oak Park, Michigan. The events of the shooting were captured by security cameras at the gas station, and the footage was played for the jury at trial. Booker is observed at the gas station with friends when he encounters Malori Saddler and Christopher Duru near the store entrance. After Booker makes eye contact with them, Saddler and Duru run back to their vehicle. Booker follows, stops near a gas pump, draws a gun, and fires in their direction multiple times. After firing his gun, Booker runs to the black Jeep occupied by his friends, which was beginning to drive away, and left. Saddler and Duru enter their vehicle and leave the scene. Neither was injured as a result of the shooting.

At trial, Booker claimed that he acted in self-defense because he feared Saddler. He believed she was connected to people involved in his best friend’s killing and had released rap

music discussing the murder.¹ He testified that she had made multiple threats on his life prior to the shooting at the gas station. Further, he testified that after making eye contact with her on that day, Saddler began running to her car and called out, “My gun. My gun. Unlock the car, I’m about to get him[.]” This prompted Booker to pull out his gun. He claimed that he then observed Saddler pull a gun out of the passenger seat of Duru’s vehicle, causing Booker to fire in her direction. Surveillance footage and physical evidence showed that shots were fired from Booker’s side of the parking lot, and none were fired from Saddler and Duru’s location. Following a three-day jury trial, Booker was convicted and sentenced as noted above. This appeal ensued.

II. SUFFICIENCY OF THE EVIDENCE

On appeal, Booker argues that the prosecution failed to present sufficient evidence to exclude the possibility of self-defense beyond a reasonable doubt. We disagree.

“This Court reviews de novo a challenge to the sufficiency of the evidence.” *People v Byczek*, 337 Mich App 173, 182; 976 NW2d 7 (2021). In evaluating a defendant’s claim concerning the sufficiency of the evidence, we review the evidence in a light most favorable to the prosecution to discern whether any trier of fact could find the essential elements of the crime were proven beyond a reasonable doubt. *People v Robinson*, 475 Mich 1, 5; 715 NW2d 44 (2006). “Circumstantial evidence and reasonable inferences arising therefrom may constitute proof of the elements of the crime.” *People v Head*, 323 Mich App 526, 532; 917 NW2d 752 (2018) (quotation marks and citation omitted). Because of the difficulty of proving a defendant’s knowledge or intent, “minimal circumstantial evidence will suffice to establish the defendant’s state of mind, which can be inferred from all the evidence presented.” *People v Kanaan*, 278 Mich App 594, 622; 751 NW2d 57 (2008). When reviewing a sufficiency claim on appeal, we “must defer to the fact-finder by drawing all reasonable inferences and resolving credibility conflicts in support of the jury verdict.” *People v Schumacher*, 276 Mich App 165, 167; 740 NW2d 534 (2007).

“In a criminal proceeding, the defendant has a constitutional right to have the prosecution prove his or her guilt beyond a reasonable doubt” *People v Likine*, 492 Mich 367, 407; 823 NW2d 50 (2012). At common law, self-defense excuses conduct that would otherwise be punishable when the defendant honestly and reasonably believes that he faces an imminent threat of death or serious bodily harm and that the use of deadly force is necessary to prevent that harm. *People v Dupree*, 486 Mich 693, 707; 788 NW2d 399 (2010). The Self-Defense Act, MCL 780.971 *et seq.*, codifies the circumstances in which a person may use deadly force with no duty to retreat. *Id.* at 708. Under MCL 780.972(1)(a), an individual who is not engaged in the commission of a crime may use deadly force anywhere he has the legal right to be if he honestly and reasonably believes deadly force is necessary to prevent imminent death or imminent great bodily harm. However, a defendant does not act in justifiable self-defense if he uses excessive force or is the initial aggressor. *People v Guajardo*, 300 Mich App 26, 35; 832 NW2d 409 (2013). Once a defendant produces some evidence from which a jury could find the elements of self-defense, the prosecution bears the burden of disproving self-defense beyond a reasonable doubt. *Dupree*, 486 Mich at 712; *People v Reese*, 491 Mich 127, 155; 815 NW2d 85 (2012). Whether

¹ The death of Booker’s friend was subject to an open investigation at the time of trial, and no individuals had been charged with respect to that incident.

the circumstances justified the defendant's actions remains a question for the jury. *People v Schurr*, 350 Mich App 47, 61; 29 NW3d 511 (2024).

The prosecution presented sufficient evidence for the jury to reject Booker's claim that he acted in lawful self-defense. Booker's theory depended almost entirely on his own testimony that Saddler threatened him, ran to her car for a gun, and either reached for or obtained a firearm before he fired. But the jury was not required to accept that testimony, particularly where it was contradicted by the surveillance footage, the physical evidence, and other testimony.

Saddler testified that she did not have a gun and did not fire a gun that day. Oak Park Detective Ryan Beasley likewise testified that the surveillance videos did not show Saddler or Duru with a firearm in their hands, did not show anyone firing from Saddler's location, and did not show smoke coming from that location at any point. He further testified that the videos showed Saddler ducking below a car and Duru "trying to dodge bullets," placing them in a "defensive-type position," rather than an attacking one.

The physical evidence also supported the jury's rejection of self-defense. Oak Park Police Officer and Evidence Technician Scott Turner testified that he located shell casings by the gas pump at the southeast entrance to the station and observed bullet damage near Pump No. 2 on the west side of the parking lot, but he did not find shell casings near that pump. Detective Beasley testified that all shell casings were found in front of the gas station door and on the east side of the parking lot, while bullet fragments were found on the west side, and that "[t]here was no evidence that any gun was fired from the west side of the parking lot." From this evidence, the jury could reasonably infer that shots were fired from Booker's location and the black Jeep, and not from the west side of the parking lot where Saddler was located. This evidence directly undermined Booker's assertion that Saddler was armed.

Booker's own testimony gave the jury additional reasons to reject his self-defense claim. He acknowledged that when he first saw Saddler, she had not said anything to him and there was nothing stopping him from getting into the car and leaving. He also admitted that his friend's vehicle was already pulling away and that he could have gotten into it instead of moving toward Saddler, which was the place he claimed the threat was coming from. Although Booker testified that he saw Saddler with a gun, the prosecutor challenged him to identify where the gun appeared on the video, and Booker could not do so. Therefore, the jury could reasonably treat these inconsistencies, together with Booker's inability to identify the alleged gun on the video, as undermining his credibility. See *Schumacher*, 276 Mich App at 167 (noting that this Court must defer to the factfinder with respect to credibility conflicts).

Nor does Booker's reliance on Saddler's alleged gang affiliation, lyrics, prior threats, or Booker's generalized fear require reversal. Those facts may have supplied some evidence explaining why Booker claimed to be afraid, but they did not compel the jury to find that he honestly and reasonably believed that deadly force was necessary at the moment he fired. The proper inquiry is not whether Booker subjectively feared Saddler, it is whether the circumstances justified his use of deadly force. See *Dupree*, 486 Mich at 707. And those circumstances permitted the jury to find that Booker's asserted fear was not objectively reasonable. As previously noted, beyond Booker's testimony, there was no evidence that Saddler had or fired a weapon. In fact, the physical evidence presented refuted that claim. Thus, although Booker presented evidence about

threats, lyrics, and his fear of Saddler, the jury could conclude that those background facts did not establish that Booker faced an *imminent* threat of death or great bodily harm at the time of the shooting.

Despite Booker's testimony that he feared Saddler and her threats, the surrounding circumstances suggest that Booker escalated the encounter and used more force than was necessary to defend himself. See *Guajardo*, 300 Mich App at 35 (recognizing that a defendant cannot rely on self-defense when he uses excessive force or is the initial aggressor). Booker acknowledged that when he first recognized Saddler, she had not said anything to him, and nothing prevented him from getting into his friend's car and leaving as she ran toward Duru's car. Instead, Booker moved toward Saddler and initiated the shooting. Based on those facts, the jury could have reasonably found that Booker escalated the encounter by choosing to pursue and fire at Saddler. See *id.* at 42-43 (concluding the defendant was the initial aggressor by pursuing and shooting the victim, who threatened to get a gun and kill the defendant before retreating to his bedroom). Further, numerous gunshots can be heard on the gas station video and Shelby Szymoniak, an expert in the field of firearm and tool mark identification, determined that seven of the recovered casings were fired from Booker's weapon. Given the evidence that Saddler and Duru were unarmed, the jury could reasonably find that firing at least seven shots was far more force than reasonably necessary to protect Booker against any asserted threat.

Viewing the evidence in the light most favorable to the prosecution, a rational trier of fact could conclude that the prosecution disproved self-defense beyond a reasonable doubt. Because credibility determinations belonged to the jury, and because the record supported the jury's rejection of Booker's self-defense theory, Booker has not established that his due-process rights were violated. The evidence was sufficient to sustain Booker's convictions.

Affirmed.

/s/ Mariam S. Bazzi

/s/ Sima G. Patel

/s/ Matthew S. Ackerman