

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JAELEN DASHAUN MATTHEWS,

Defendant-Appellant.

UNPUBLISHED

September 15, 2026

11:42 AM

No. 375341

Wayne Circuit Court

LC No. 21-004543-02-FC

Before: LETICA, P.J., and RICK and GARRETT, JJ.

PER CURIAM.

Following a jury trial, defendant appeals as of right his convictions for assault with intent to commit great bodily harm less than murder (AWIGBH), MCL 750.84, and possession of a firearm during commission of a felony (felony-firearm), MCL 750.227b.¹ Defendant was sentenced to consecutive terms of 10 months to 10 years’ imprisonment for his AWIGBH conviction and two years’ imprisonment for his felony-firearm conviction. On appeal, defendant asserts the evidence was insufficient to sustain his convictions under an aiding-and-abetting theory because his codefendant and principal, Ronald Johnson, was acquitted and their inconsistent verdicts were the result of juror confusion. We disagree and affirm.

I. FACTUAL BACKGROUND

The victim in this matter began selling THC edibles without a license in 2020 as a “side hustle.” The victim regularly carried a nine-millimeter compact Springfield XD pistol, for which

¹ Defendant was charged with armed robbery, MCL 750.529, assault with intent to murder (AWIM), MCL 750.83, AWIGBH, carrying a dangerous weapon with unlawful intent, MCL 750.226, two counts of carrying a concealed weapon, MCL 750.227, and five counts of felony-firearm. The AWIM charge and the felony-firearm charge predicated on that crime were dismissed. Defendant was acquitted of the armed robbery charge, the carrying a dangerous weapon with unlawful intent charge, MCL 750.226, the concealed weapons charges, MCL 750.227, and their associated felony-firearm charges.

he had a concealed pistol license (CPL), to transactions. Defendant purchased THC edibles from the victim twice before the events giving rise to this matter, and those transactions were “cordial.”

On Wednesday, November 11, 2020, the victim received a phone call from an unknown number. The caller indicated they wanted to buy \$100 of THC edibles. The victim arranged to meet this new customer at a Mobil gas station in Detroit at about 7:00 p.m. When the victim arrived, he sent a text that he was waiting to the new customer’s phone number, but the victim received no reply. As the victim waited, a person dressed in dark clothing with a black-hooded sweatshirt obscuring his face entered the passenger side of the victim’s vehicle, saying, “run your sh*t” or “run that sh*t,” which the victim interpreted to mean he was being robbed. The victim claimed that he saw the person attempt to pull something out of his sweatshirt’s pocket and “was able to see the tip of the barrel poking up out of the side.” In response, the victim reached for his weapon. The victim heard a shot and believed the person discharged their weapon inside the vehicle. The victim then fired at the person multiple times, explaining: “I was trying to kill him cause he was trying to kill me.” The victim recalled experiencing a “fight or flight” response and “blacked out” temporarily. He regained awareness when he felt pain in his left hand and noticed an injury to his left ring finger. At some point during the struggle, the victim saw the person’s face and recognized him as defendant.

The victim’s firearm malfunctioned and he attempted to get out of the vehicle to run into the convenience store inside the gas station. Defendant attempted to restrain the victim, but defendant was unsuccessful. Once out of the vehicle, the victim noticed codefendant shooting at him. The victim fell down before he reached the convenience store and was unable to get up. The victim was shot several times and permanently paralyzed from the waist down.

Defendant and codefendant remained at the scene and waved down police officers to inform them that they were involved in the shooting. The only two firearms recovered from the scene were those belonging to codefendant and the victim. Ballistics suggested only one firearm was discharged inside the victim’s vehicle. Defendant told the officer the victim was trying to rob them. Codefendant gave a written statement indicating he and defendant were at the gas station “[m]eeting up with the guy who stole [money or marijuana] from [defendant].” Defendant attempted to call the victim but he would not answer, so defendant called from a different number and “acted like a different person to have him meet at the gas station.” Codefendant came “as backup,” but they did not intend to rob the victim. Codefendant admitted to shooting the victim in self-defense.

At the joint jury trial, defendant’s jury, “Jury B,” was precluded from hearing evidence relating to codefendant’s written statement because it was hearsay. It also did not hear the closing argument of codefendant’s counsel. Codefendant’s jury, “Jury A,” acquitted codefendant. Jury B found defendant guilty of committing AWIGBH and the associated felony-firearm.

The trial court sentenced defendant at the floor of the sentencing guidelines range, recognizing that he did not pull the trigger, and noting that the situation “got really out of hand.” The trial court further commented: “I don’t think that anyone could foresee this would happen and these kind[s] of injuries would result.” This appeal followed.

II. DISCUSSION

A. SUFFICIENCY OF THE EVIDENCE

An appellate court reviews challenges to sufficiency of the evidence de novo. *People v Prude*, 513 Mich 377, 384; 15 NW3d 249 (2024). This standard of review is deferential to the jury on questions of fact, but a reviewing court “does not defer on questions of law.” *Id.* at 385. An appellate court evaluating a claim of insufficient evidence “ ‘reviews the evidence in a light most favorable to the prosecutor to determine whether any trier of fact could find the essential elements of the crime were proven beyond a reasonable doubt.’ ” *Id.*, quoting *People v Wang*, 505 Mich 239, 251; 952 NW2d 334 (2020). “This Court will not interfere with the trier of fact’s role of determining the weight of the evidence or the credibility of witnesses.” *People v Kanaan*, 278 Mich App 594, 619; 751 NW2d 57 (2008). And all reasonable inferences must be drawn and credibility choices made in support of the jury’s verdict. *Prude*, 513 Mich at 385. Under this standard of review, all evidentiary conflicts are resolved in the prosecution’s favor. *Kanaan*, 278 Mich App at 619.

“The elements of AWIGBH 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 Stevens*, 306 Mich App 620, 628; 858 NW2d 98 (2014), quoting *People v Parcha*, 227 Mich App 236; 239; 575 NW2d 316 (1997). AWIGBH requires the specific intent to “ ‘do serious injury of an aggravated nature.’ ” *Stevens*, 306 Mich App at 628, quoting *People v Brown*, 267 Mich App 141, 147; 703 NW2d 230 (2005). Intent can be inferred from the defendant’s actions, and “only minimal circumstantial evidence is necessary to show that a defendant had the requisite intent.” *Stevens*, 306 Mich App at 629. A defendant accused of AWIGBH may assert he acted in self-defense under MCL 780.972(1) in the following circumstance:

An individual who has not or is not engaged in the commission of a crime at the time he or she uses deadly force may use deadly force against another individual anywhere he or she has the legal right to be with no duty to retreat if . . .

(a) The individual 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.

Generally, the “touchstone” of a self-defense claim is necessity, but there is no duty to retreat in the face of sudden, violent attacks. *People v Riddle*, 467 Mich 116, 127-131; 649 NW2d 30 (2002).² The prosecution bears the burden of excluding the possibility that a defendant acted in justifiable self-defense beyond a reasonable doubt. *Stevens*, 306 Mich App at 630.

² The *Riddle* Court was specifically discussing self-defense as justification for homicide. *Riddle*, 467 Mich at 127.

MCL 767.39 is this state's aiding-and-abetting statute. It provides:

Every person concerned in the commission of an offense, whether he directly commits the act constituting the offense or procures, counsels, aids, or abets its commission may hereafter be prosecuted, indicted, tried and on conviction shall be punished as if he had directly committed such offense.

Aiding and abetting is “a theory of prosecution that permits the imposition of vicarious liability for accomplices” and is “not a separate substantive offense.” *People v Robinson*, 475 Mich 1, 6; 715 NW2d 44 (2006). “To support a finding that a defendant aided and abetted a crime, the prosecution must show that (1) the crime charged was committed by the defendant or some other person, (2) the defendant performed acts or gave encouragement that assisted the commission of the crime, and (3) the defendant [either] intended the commission of the crime or had knowledge that the principal intended its commission at the time he gave aid and encouragement, or, alternatively, that the charged offense was a natural and probable consequence of the commission of the intended offense.” *People v Ventour*, 349 Mich App 417, 426; 27 NW3d 660 (2023) (quotation marks and citations omitted). “An aider and abettor’s state of mind may be inferred from all facts and circumstances,” including “a close association between the defendant and the principal, the defendant’s participation in the planning or execution of the crime, and evidence of flight after the crime.” *People v Carines*, 460 Mich 750, 758; 597 NW2d 130 (1999) (quotation marks and citation omitted).

“The conviction of the principal is not necessary to convict an accessory. What must be proven, however, is that the crime was committed by someone, and that the defendant either committed or aided and abetted the commission of that crime.” *People v Mann*, 395 Mich 472, 478; 236 NW2d 509 (1975). This Court has also held, “an aiding and abetting instruction may not be given absent proof of the guilt of the principal.” *People v Tolbert*, 77 Mich App 162, 167; 258 NW2d 176 (1977). When a principal acts in justifiable self-defense, “both the principal and the aider and abettor are relieved from liability,” so long as “it appears that the accused was without fault or, in other words, was not the aggressor in bringing about the conflict.” *People v Johnson*, 116 Mich App 452, 459; 323 NW2d 439 (1982), rev’d and remanded on other grounds, *People v Taylor*, 422 Mich 554, 568-569; 375 NW2d 1 (1985).

An aiding and abetting theory may also be used to convict a defendant of felony-firearm, MCL 750.227b. *People v Moore*, 470 Mich 56, 68-69; 679 NW2d 41 (2004). The felony-firearm statute provides that “[a] person who carries or has in his or her possession a firearm when he or she commits or attempts to commit a felony . . . is guilty of a felony.” MCL 750.227b(1). Thus, the felony-firearm statute applies when a person possesses a firearm while committing or attempting to commit a felony. *Moore*, 470 Mich at 62. “[T]he appropriate test for aiding and abetting felony-firearm in Michigan is whether the defendant ‘procures, counsels, aids, or abets in [the commission of a felony-firearm offense].’ ” *Id.* at 74, quoting MCL 767.39 (second alteration in original).

In this case, codefendant shot the victim and caused serious bodily injury, but Jury A found him not guilty, presumably because it determined that the codefendant was justifiably acting in self-defense or defense of defendant. Jury B, however, found defendant guilty of AWIGBH and felony-firearm under an aiding and abetting theory. To make this finding, Jury B necessarily

decided that beyond reasonable doubt (1) codefendant committed AWIGBH and did not act in justifiable self-defense, (2) defendant assisted in the commission of AWIGBH, and (3) defendant intended to commit AWIGBH, knew codefendant intended to commit AWIGBH, or AWIGBH was a “natural and probable consequence” of the intended offense. *Ventour*, 349 Mich App at 426. Defendant argues no crime was committed because Jury A found codefendant acted in self-defense, there was no crime for defendant to aid and abet.

1. ACTUAL COMMISSION OF CRIME CHARGED

Only Jury A heard Detroit Police Department (DPD) Corporal James Pierce’s testimony summarizing codefendant’s written statement, which clarified what he and defendant were doing at the gas station and emphasized that they did not intend to rob the victim. Jury B did not hear codefendant’s justification for shooting the victim, which was:

[Defendant] got in the passenger seat. After that happened[,] things got crazy. I saw them fighting over a gun with shots being fired. They got out and [were] still fighting outside the car. [Defendant] push [sic] the guy off and the guy was still armed so I shot him one time in the shoulder.

Additionally, as defendant points out, Jury B did not hear counsel for codefendant’s closing argument, “which focused on why [codefendant] acted in self-defense.” While Jury A appeared convinced by the evidence and arguments presented solely regarding codefendant’s self-defense claim, Jury B was precluded from hearing the same testimony and argument for evidentiary reasons, even though the self-defense claim was relevant to the determination of defendant’s guilt as an aider and abettor. *Johnson*, 116 Mich App at 459. The prosecutor acknowledged this, stating:

[E]ven though ultimately you’re the jury for [defendant] you still look at that act that [codefendant] did, okay.

So if [codefendant] used self-defense and it was lawful, you find [defendant] not guilty.

But the prosecutor also argued that evidence showed that defendant aided and abetted codefendant during the AWIM.

In short, evidence and closing arguments relevant to defendant’s liability as an aider and abettor were presented to Jury A, which acquitted codefendant, and withheld from Jury B, which found defendant guilty under an aiding and abetting theory. However, the parties agreed Jury B was properly precluded from hearing testimony summarizing codefendant’s statement because it was hearsay. And while Jury B did not hear the exact same closing argument relating to codefendant’s self-defense claim, self-defense was mentioned by defendant’s counsel and Jury B was instructed on self-defense. Consequently, the variation in evidence heard by Jury B was unavoidable, and it is unlikely the variation in closing arguments heard by Jury B was determinative.

Codefendant’s conviction was not required for Jury B to convict defendant, but according to *Tolbert*, 77 Mich App at 167, the instruction on aiding and abetting should not have been given

without proof of codefendant's guilt. Defendant cites *People v Heflin*, 434 Mich 482, 507; 456 NW2d 10 (1990), to support his position "that a person who acts in justifiable self-defense does not commit a crime." However, as discussed below, juries are entitled to reach inconsistent verdicts. *People v Montague*, 338 Mich App 29, 51; 979 NW2d 406 (2021). Jury B was entitled, given the evidence presented to it, to find the prosecution carried its burden of proving codefendant did not act in justifiable self-defense, even if Jury A came to the opposite conclusion. *Id.* Jury B heard the testimony of the victim, who was shot several times and is permanently paralyzed as a result. It also heard DPD Officer Denis Podina testify that codefendant admitted he had a firearm and was involved in the shooting. Jury B was instructed on self-defense but found the prosecution carried its burden of proving that codefendant did not act in self-defense. On the evidence presented, Jury B could rationally find an actual crime was committed. Because this Court must defer to the jury on questions of fact and reviews the evidence in a light most favorable to the prosecution, *Prude*, 513 Mich at 385, we decline to disturb Jury B's finding.

2. ACTS OF ASSISTANCE OR ENCOURAGEMENT

To be convicted as an aider and abettor, defendant must have performed acts or given encouragement to assist in the commission of the crime. The prosecutor argued defendant assisted by doing three things: (1) attempting to prevent the victim from fleeing by grabbing him, (2) chasing the victim as he attempted to flee, and (3) continuing the assault by kicking the victim while he was on the ground. The victim asserted defendant was "trying to keep [him] in the car or hold [him]." He also recalled being in "some kind of wrestling match" with defendant outside of the vehicle. Finally, the video footage shows a person kicking the victim, and the victim identified that person as defendant. Not only did defendant assist in the physical assault, but Jury B could have also inferred from the evidence presented that defendant set the events in motion by hiding his identity and arranging to meet the victim at the gas station, considering their past transactions. " 'The quantum of aid or advice is immaterial as long as it had the effect of inducing the crime.' " *Ventour*, 349 Mich App at 426, quoting *People v Lawton*, 196 Mich App 341, 352; 492 NW2d 810 (1992). The evidence supports the inference that defendant arranged the meeting by hiding his identity, inducing the commission of the crime, and it shows defendant contributed to the physical assault in several ways. These actions satisfy the "acts of assistance" element of aiding and abetting. *Ventour*, 349 Mich App at 426.

3. INTENT OR KNOWLEDGE OF INTENT

Intent is difficult to prove and can be established with only minimal circumstantial evidence. *Stevens*, 306 Mich App at 629. The acts of assistance identified support an inference that defendant intended to restrain the victim's movements and cause him physical harm. Codefendant's presence at the "transaction" indicates defendant arranged to outnumber the victim. Codefendant's possession of a firearm suggests he and defendant either intended to threaten or assault the victim with the gun, or they knew a physical altercation was a probable consequence of the arranged meeting. These facts support the inference that defendant knew of codefendant's intent to commit AWIGBH, "or, alternatively, that the charged offense was a natural and probable consequence of the commission of the intended offense[.]" *Ventour*, 349 Mich App at 426 (quotation marks and citation omitted). Defendant brought armed "backup" to the confrontation, demonstrating his awareness that a physical altercation involving firearms was possible. The evidence supports the conclusion that defendant had the requisite intent to aid and abet in the

commission of AWIGBH because it was a natural and probable consequence of the events he set in motion. *Ventour*, 349 Mich App at 426.

In sum, sufficient evidence to sustain defendant's convictions was presented. Jury B's factual finding that codefendant did not act in justifiable self-defense was rational based on the evidence it heard that showed defendant provided acts of assistance and set the events in motion with knowledge that a violent altercation was a possible consequence of his actions.

B. INCONSISTENT VERDICTS

A defendant preserves a challenge to jury instructions by objecting in the trial court. *People v Czuprynski*, 325 Mich App 449, 466; 926 NW2d 282 (2018). Defense counsel did not object to the jury instructions on aiding and abetting. Accordingly, defendant's claim that the instructions were confusing and led to inconsistent verdicts is unpreserved. *Id.* We apply the plain-error rule to unpreserved claims of instructional error, "which requires that (1) error must have occurred, (2) the error was plain, (3) the plain error affected substantial rights, and (4) the error resulted in the conviction of an actually innocent defendant or seriously affected the fairness, integrity, or public reputation of judicial proceedings." *People v Walker*, 504 Mich 267, 276; 934 NW2d 727 (2019).

Verdicts that " 'cannot be rationally reconciled' " are considered " 'inconsistent.' " *Montague*, 338 Mich App at 51, quoting *People v Garcia*, 448 Mich 442, 464; 531 NW2d 683 (1995). Inconsistent verdicts are permissible but may be reversed where a defendant proves "confusion by the jury, a misunderstanding of the instructions, or impermissible compromise." *Montague*, 338 Mich App at 51, citing *People v Putman*, 309 Mich App 240, 251; 870 NW2d 593 (2015). "[J]uries are not held to any rules of logic nor are they required to explain their decisions." *Id.* (quotation marks and citation omitted) (alteration in original).

A criminal defendant is entitled to jury instructions that fairly present the issues to be tried, adequately protect his rights, and are "neither erroneous nor misleading." *People v Miller*, 326 Mich App 719, 727; 929 NW2d 821 (2019) (quotation marks and citation omitted). In this case, Jury B was instructed on the elements of AWIGBH, felony-firearm associated with AWIGBH, and self-defense. The court explained how aiding and abetting applies to AWIGBH, and explained that the prosecutor was required to prove beyond a reasonable doubt that (1) the alleged crime was actually committed by either defendant or someone else, regardless of whether anyone else was convicted of the crime, (2) before or during the crime defendant assisted in commission of the crime, and (3) defendant intended the commission of the crime, knew the other person intended its commission, or knew the crime was a natural and probable consequence of the crime intended. The jury was also provided written copies of the instructions to refer to during deliberations. Based on the record, the instructions, when read as a whole, clearly, accurately, and adequately presented the requirements to convict defendant under an aiding and abetting theory. *Id.* at 727, 728.

Defendant asserts that the jury instructions were confusing. In support, he cites *People v McKinley*, 168 Mich App 496, 510; 425 NW2d 460 (1988), a case in which this Court did not believe jurors returned inconsistent verdicts or were confused. Defendant suggests the instructions were confusing because the jury "was instructed to initially find that [codefendant] had actually committed an offense before it could find [defendant] guilty of aiding and abetting," and the

prosecutor had to prove defendant, codefendant, or “ ‘someone else’ ” committed the offense. He states that there was no basis to assert anyone other than codefendant, who was acquitted, was involved. In our caselaw, aiding and abetting generally requires a showing that “the crime charged was committed by the defendant *or some other person*.” *Ventour*, 349 Mich App at 426 (emphasis added). See also *People v Izarraras-Placante*, 246 Mich App 490, 495; 633 NW2d 18 (2001). It is unclear how or why inclusion of the alternative “someone else” was confusing when, as defendant points out, the only other person implicated in the shooting was codefendant. Accordingly, defendant’s argument on this issue is unavailing.

Defendant argues the jury instructions, when read with the prosecutor’s closing argument, were confusing and miscommunicated the applicable legal standard. However, the court informed the jury: “The lawyers’ statements and arguments are not evidence. They are only meant to help you understand the evidence and each side’s legal theories.” “ ‘It is well established that jurors are presumed to follow their instructions.’ ” *People v Leffew*, 508 Mich 625, 654; 975 NW2d 896 (2022), quoting *People v Graves*, 458 Mich 476, 486; 581 NW2d 229 (1998). As such, we presume Jury B followed the instructions the court provided. And it is not “evident that the jury was confused, did not understand the instructions, or did not know what it was doing” in this case. *McKinley*, 168 Mich App at 510. Accordingly, no error requiring reversal occurred. *Walker*, 504 Mich at 276.

Affirmed.

/s/ Anica Letica
/s/ Michelle M. Rick
/s/ Kristina Robinson Garrett