

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MICHAEL VAUGHN CALLOWAY,

Defendant-Appellant.

UNPUBLISHED

September 17, 2026

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No. 377422

Wayne Circuit Court

LC No. 24-004269-01-FH

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

PER CURIAM.

Defendant appeals as of right his jury-trial conviction of carrying a firearm during the commission of a felony (felony-firearm), MCL 750.227b(1). On appeal, defendant argues that the trial court erred by denying his motion for a directed verdict when the evidence failed to establish his criminal intent. We affirm.

I. BASIC FACTS AND PROCEDURAL HISTORY

This case arises out of an incident outside a home in Redford on January 27, 2023. At about midnight, the victim heard knocking at her front door. She checked her surveillance footage and saw a masked man standing outside, apparently trying to break in. When the victim went to the back of her house to check on her children, she saw another man, defendant, walking around her house. The victim called the police, who arrived shortly after and detained defendant and the other man. The men did not enter the victim’s home, but both wore black clothing, face masks, protective vests, and latex gloves. Both were also armed, and defendant had a stolen “ghost gun.”

After a two-day jury trial, defendant was convicted of felony firearm and sentenced to two years in prison.¹ Defendant now appeals.

¹ Four other counts were dismissed by the trial court upon defendant’s motion for a directed verdict: first-degree attempted home invasion, MCL 750.110a(2); wearing body armor while

II. DIRECTED VERDICT

Defendant argues that the trial court erred by denying his motion for a directed verdict as to the charge of carrying a dangerous weapon with unlawful intent (carrying with intent) under MCL 750.226, and therefore his conviction based on the related felony-firearm charge should be reversed. We disagree.

We review de novo the denial of a motion for a directed verdict. *People v Chelmicki*, 305 Mich App 58, 64; 850 NW2d 612 (2014). The same standard for reviewing the sufficiency of the evidence applies to a motion for a directed verdict. *People v Thurmond*, 348 Mich App 715, 722; 20 NW3d 311 (2023). “In reviewing the sufficiency of the evidence, this Court must view the evidence—whether direct or circumstantial—in a light most favorable to the prosecutor 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 Kenny*, 332 Mich App 394, 402-403; 956 NW2d 562 (2020). “[A] reviewing court is *required* to draw all reasonable inferences and make credibility choices in support of the jury verdict.” *People v Oros*, 502 Mich 229, 240; 917 NW2d 559 (2018) (cleaned up). “It is for the trier of fact, *not the appellate court*, to determine what inferences may be fairly drawn from the evidence and to determine the weight to be accorded those inferences.” *Id.* (cleaned up). All conflicts that arise in the evidence must be resolved “in favor of the prosecution.” *People v Mikulen*, 324 Mich App 14, 20; 919 NW2d 454 (2018).

MCL 750.226 makes it a felony to, “with intent to use the same unlawfully against the person of another, go armed with a pistol or other firearm” The elements of this offense are that the defendant (1) moved from one location to another “while possessing a firearm or other dangerous weapon” and (2) “had the intent to use the weapon unlawfully against another person” while so armed. *People v Ackah-Essien*, 311 Mich App 13, 22; 874 NW2d 172 (2015).

In this case, a rational trier of fact could determine that the elements of carrying with intent existed beyond a reasonable doubt. Evidence produced at trial established that defendant possessed a gun, that the vehicle of defendant’s companion was near the victim’s home, and the vehicle contained multiple guns. Because defendant was with the other man at the house, the jury was permitted to make reasonable inferences that defendant and the other man drove together from another location to the victim’s home. Viewed in the light most favorable to the prosecution, there was sufficient evidence to establish the first element of carrying with intent beyond a reasonable doubt.

There was also sufficient circumstantial evidence to suggest that defendant intended to use a “weapon unlawfully against another person.” *Id.* Because of the difficulty of proving “a defendant’s state of mind on issues such as knowledge and 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). Evidence produced at trial established that defendant had a stolen handgun in his waistband. Defendant told Officer

committing a crime, MCL 750.227f; and two associated felony-firearm charges. After trial, the jury acquitted defendant of carrying a dangerous weapon with unlawful intent, MCL 750.226.

Joshua Sutton that he worked for personal security and was picking up a client, but his gun was a ghost gun, which was unusual for a security guard to carry. And the victim had not hired security that evening. Additionally, there was evidence that defendant went to the victim's home late at night while wearing black clothing, a bullet proof vest, and a face mask. The evidence also revealed that defendant had a pair of latex gloves in his pocket. And there was evidence that defendant's companion had a surveillance camera removed from the victim's home and had multiple dangerous weapons and tools that could be used in a burglary.

Viewing the evidence in the light most favorable to the prosecution, a rational jury could discredit defendant's story, reasonably infer that he knew about and was complicit in what the other man was doing, and intended to use the gun against another person, namely by breaking into the victim's home. The fact that there were no signs of actual or attempted forced entry into the victim's home did not preclude a finding that defendant and his companion intended to do so, particularly when the police arrived so quickly that there was little time to break in. Accordingly, a directed verdict was not warranted.

Because the trial court properly denied defendant's directed-verdict motion as to the carrying-with-intent charge, defendant's attendant felony-firearm conviction need not be vacated, even though he was acquitted of carrying with intent. See *People v Lewis*, 415 Mich 443, 453-454; 330 NW2d 16 (1982) (holding that a jury may properly convict a defendant of felony-firearm while acquitting him or her of the underlying felony). See also *People v Putman*, 309 Mich App 240, 251; 870 NW2d 593 (2015) (noting that inconsistent jury verdicts "are permissible and do not require reversal" absent other circumstances).

Affirmed.

/s/ Mariam S. Bazzi

/s/ Sima G. Patel

/s/ Matthew S. Ackerman