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**STATE OF MINNESOTA
IN COURT OF APPEALS
A13-0800**

State of Minnesota,
Respondent,

vs.

Michael NMN Williams,
Appellant.

**Filed April 7, 2014
Affirmed
Chutich, Judge**

Washington County District Court
File No. 82-CR-11-4757

Lori Swanson, Attorney General, St. Paul, Minnesota; and

Peter Orput, Washington County Attorney, Robin M. Wolpert, Assistant County Attorney, Stillwater, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Lydia Villalva Lijó, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Chutich, Presiding Judge; Connolly, Judge; and Smith, Judge.

UNPUBLISHED OPINION

CHUTICH, Judge

Appellant Michael Williams challenges his conviction of fourth-degree assault, contending that insufficient evidence exists to sustain the conviction. Williams also

asserts additional issues in a pro se supplemental brief. Because ample evidence exists to sustain his conviction and his pro se arguments are without merit, we affirm.

FACTS

In September 2011, appellant Michael Williams was incarcerated at the Minnesota Correctional Facility in Oak Park Heights. After being informed that he would be moving to a different complex in the facility for a job that he desired, Williams asked Sergeant Brian Bune why he had to move and said, “Why are you guys always f----ing with me when I come down here? If I was white you wouldn’t do this to me.” Bune told Williams to “switch in,” which means that an inmate must return to his cell and secure the door. Williams responded to Bune with profanity and stood in an aggressive stance, and Bune was “sure [Williams] was going to throw a punch at [him].” Bune then told Williams to “switch in” again, and Williams went to his cell.

Another corrections officer informed Bune that Williams had not secured his door, and Bune saw Officer Andrew Lenz walk toward Williams’s cell to shut the door. Williams came out of his cell, looked “agitated,” and “shout[ed] incoherently.” Lenz told Williams to “switch in,” and Williams instead “delivered a closed fist punch with his right hand to [Lenz’s] left jaw and ear.” After Lenz fell from being punched, Williams continued to display an “aggressive posture” and “lung[ed] back and forth” at Lenz and Bune. Lenz attempted to protect himself by spraying mace at Williams, but was unsuccessful. Bune repeatedly told Williams to “switch in,” and Williams eventually complied and returned to his cell.

Officers later escorted Williams to another complex in the facility, and Williams commented, “I did what I had to do.” Lenz suffered injuries to his left jaw and right leg and also experienced pain throughout his body. He went to Lakeview Hospital to have his injuries treated.

The state charged Williams with fourth-degree assault of a correctional-facility officer. *See* Minn. Stat. § 609.2231, subd. 3 (2010). At trial, Bune and Lenz testified about their interactions with Williams, and recordings of the assault and of Williams being escorted to a new complex were admitted into evidence.

Williams testified that he was scared of being moved to a different complex in the facility because he feared that he would be attacked by people he had fought with in the past. Williams stated that when he punched Lenz, “[M]y body took off before my mind could . . . catch up with it, and before I even knew it I hit this officer and lunged at the sergeant.” Williams explained that at the time he punched Lenz, “[T]he only thing [that] was going through my head was . . . they trying to have me hurt and I didn’t know how to protect myself.” Williams testified that he did not intentionally punch Lenz.

The jury convicted Williams, and this appeal followed.

D E C I S I O N

I. Sufficiency of the Evidence

Williams asserts that the evidence at trial was insufficient as a matter of law to prove that he intentionally assaulted Lenz. He argues that the evidence shows that he punched Lenz as a “reflex action.” Because sufficient evidence exists in the record to show that Williams intentionally assaulted Lenz, we affirm his conviction.

When reviewing the sufficiency of the evidence supporting a conviction, our review is limited to a thorough analysis of the record to “determine whether the evidence, when viewed in a light most favorable to the conviction, was sufficient to permit the jurors to reach the verdict which they did.” *State v. Webb*, 440 N.W.2d 426, 430 (Minn. 1989). We assume “that the jury believed all of the state’s witnesses and disbelieved any evidence to the contrary.” *State v. Chambers*, 589 N.W.2d 466, 477 (Minn. 1999). This court “will not disturb the verdict if the jury, acting with due regard for the presumption of innocence” and the requirement of proof beyond a reasonable doubt, could reasonably conclude the defendant was guilty of the charged offenses. *Bernhardt v. State*, 684 N.W.2d 465, 476–77 (Minn. 2004).

A jury convicted Williams of fourth-degree assault under Minnesota Statutes section 609.2231, subdivision 3, which states it is a felony to commit an assault on “an employee of a correctional facility” that “inflicts demonstrable bodily harm.” To prove fourth-degree assault, the state must show beyond a reasonable doubt that Williams intended to make the movement that inflicted bodily harm on Lenz. *See* Minn. Stat. § 609.02, subd. 10(2) (2010); *State v. Fleck*, 810 N.W.2d 303, 309–10 (Minn. 2012).

Intent can be logically inferred from the totality of the circumstances. *See State v. Raymond*, 440 N.W.2d 425, 426 (Minn. 1989). “Intent may be proved by circumstantial evidence, including drawing inferences from the defendant’s conduct . . . and the events occurring before and after the crime.” *In re Welfare of T.N.Y.*, 632 N.W.2d 765, 769 (Minn. App. 2001) (citing *Davis v. State*, 595 N.W.2d 520, 525–26 (Minn. 1999)).

The parties disagree concerning the standard of review that we should apply here. Williams argues for the heightened review used when evidence concerning an element is based solely on circumstantial evidence. Under this approach, we apply a two-step analysis to determine whether circumstantial evidence is sufficient to support a conviction because “[a] conviction based on circumstantial evidence . . . warrants heightened scrutiny.” *State v. Al-Naseer*, 788 N.W.2d 469, 473 (Minn. 2010). First, we identify the circumstances proved, deferring to the jury’s acceptance of these facts and assuming that the jury rejected all contrary facts. *State v. Silvernail*, 831 N.W.2d 594, 598–99 (Minn. 2013). Second, we determine whether the circumstances identified as proved are inconsistent with any rational hypothesis other than guilt. *Id.* at 599. “We give no deference to the fact finder’s choice between reasonable inferences.” *Id.* (quotation omitted). To sustain a conviction, the circumstances proved must form “a complete chain that, in view of the evidence as a whole, leads so directly to the guilt of the defendant as to exclude beyond a reasonable doubt any reasonable inference other than guilt.” *Al-Naseer*, 788 N.W.2d at 473 (quotation omitted).

The state, by contrast, asserts that because the direct evidence is sufficient to sustain Williams’s conviction, heightened scrutiny does not apply. We need not decide which evidentiary standard is appropriate here, however, because even applying heightened scrutiny, sufficient evidence exists to sustain Williams’s conviction.

Applying the first step of the circumstantial-evidence analysis, the state proved the following circumstances showing Williams’s intent to assault Lenz: (1) before the assault, Williams was agitated, shouting, and came out of his cell against the direct order

of Bune; (2) Williams punched Lenz in the jaw with a closed fist; (3) after the assault, Williams lunged at Lenz and Bune and refused to immediately return to his cell; (4) Lenz suffered injuries to his head and leg and experienced pain throughout his body from Williams's attack; (5) neither Lenz nor Bune did anything to provoke the assault; and (6) Williams stated, "I did what I had to do," after the assault.

Turning to the second step of the circumstantial-evidence analysis, where we "examine independently the reasonableness of all inferences that might be drawn from the circumstances proved," *Al-Naseer*, 788 N.W.2d at 473–74 (quotation omitted), the circumstances proved demonstrate that Williams intentionally assaulted Lenz. It is unreasonable to believe Williams's claim that he punched Lenz in the jaw as a "reflex." "Reflex" is defined as "an involuntary action or response." *The American Heritage College Dictionary* 1169 (4th ed. 2007). Williams was not provoked to punch Lenz, and nothing in the record suggests that Williams did not have physical control over his body at the time of the assault.

In addition, after shouting in an agitated manner and leaving his cell after being ordered to stay, Williams closed his fist and punched Lenz in the jaw. He then continued to aggressively lunge at Lenz and Bune, further demonstrating that the punch was not a "reflex action." Williams said, "I did what I had to do," after the assault, direct evidence that showed that Williams evaluated his options and chose to strike Lenz. The only rational inference from the circumstances proved is that Williams intentionally assaulted Lenz.

II. Pro Se Arguments

In his pro se supplemental brief, Williams asserts multiple reasons why his conviction should be reversed. He argues: (1) he received ineffective assistance of counsel; (2) he was prejudiced because younger members of the jury pool were not selected as jurors in his trial; (3) his attorney engaged in misconduct by intentionally assigning women to be the district court judge and prosecutor in his case; (4) his attorney failed to redact information about his prior convictions; (5) the district court judge was biased against him because the judge knew his attorney; (6) the district court judge misinformed him about the status of his habeas corpus petition. After carefully considering each of these contentions, we conclude that none has merit.

Affirmed.