

## INTENT

### **(1) Sufficient Evidence of Intent to Kill to Support Felonious Assault Conviction**

*State v. Liggons, \_\_\_ N.C. App. \_\_\_, 670 S.E.2d 333 (6 January 2009).*

The defendant was convicted of assault with a deadly weapon with intent to kill inflicting serious injury (the victim was driver of a vehicle) and other offenses. The defendant or his accomplice threw a large rock at a moving vehicle, and the rock crashed through the windshield. After the vehicle stopped, they assaulted the passenger and robbed him. The driver suffered a severe skull fracture and underwent surgery to remove pieces of bone and rock lodged in her brain. (1) The court ruled that there was sufficient evidence of intent to kill to support the conviction involving the vehicle driver. The evidence showed that the defendant and his accomplice had previously discussed intentionally forcing motorists off the highway to rob them. The defendant or his accomplice had thrown the rock when the vehicle was traveling about 55 m.p.h. or 60 m.p.h. The court stated that it was foreseeable that this act could result in death either from the impact of the rock on the driver or from the driver's losing control of the vehicle and being involved in a deadly vehicular accident.

### **(1) Proof in Trial of Possessing Stolen Goods of Defendant's Knowledge or Reasonable Grounds to Believe Property Was Stolen May Be Inferred From Defendant's Buying Property at Fraction of Its Actual Cost**

*State v. Tanner, \_\_\_ N.C. App. \_\_\_, 666 S.E.2d 845 (7 October 2008).*

The defendant was convicted of felony possession of stolen goods. (1) The defendant purchased a box full of hair products for three dollars and later purchased from the same person a refrigerator, CD player, and small television set for eighteen dollars. The court ruled, relying on *State v. Parker*, 316 N.C. 295 (1986), that this was sufficient evidence to prove that the defendant knew or had reasonable grounds to believe the property was stolen because such knowledge or

belief may be inferred from defendant's buying property at a fraction of its actual cost.

### **(3) Homicide -- Attempted Murder -- Evidence Sufficient**

*State v. Jackson, 189 NC App 747 (07-695) (15 April 2008)*

(3) The trial court did not err by denying defendant's motion to dismiss a charge of attempted murder on the ground of insufficient evidence. The State presented evidence that defendant fired a weapon at the vehicle the victim was driving as well as evidence of premeditation and deliberation, and a rational trier of fact could conclude from this evidence that defendant intended to kill both men in the car as he and others opened fire on it.

### **Criminal Law--transferred intent--attempted murder--running over estranged wife and companion**

*State v. Andrews, 154 NCA 553 (2002)*

The trial court did not err by instructing on transferred intent in a prosecution for attempted murder and assault where defendant ran down his wife with his car in a grocery store parking lot with the specific intent of killing her, injuring her friend in the process.