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STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN, Plaintiff-Appellee,	UNPUBLISHED August 14, 2026 12:40 PM
v	No. 373275 Wayne Circuit Court
JARON KORLAY, Defendant-Appellant.	LC No. 23-006475-01-FC

Before: GADOLA, C.J., and RIORDAN and SWARTZLE, JJ.

PER CURIAM.

Defendant appeals as of right his bench-trial convictions of felonious assault, MCL 750.82, and possession of a firearm during commission of a felony (felony-firearm), MCL 750.227b. Defendant was sentenced to one year of probation for his felonious-assault conviction and two years' imprisonment for his felony-firearm conviction. On appeal, defendant argues that (1) there was insufficient evidence to disprove his self-defense claim, and (2) his defense counsel was ineffective for failing to investigate and present witnesses on his behalf. We disagree and affirm.

I. FACTUAL BACKGROUND

In November 2023, as they were leaving their apartment building parking lot, Jacquelin Sligay and her partner, Jeremy Storm, noticed a car idling in the lot. Returning several hours later, they noticed the same idling car. Sligay observed defendant looking "slumped over" in the car. Storm went to the car to check, and he had a brief conversation with defendant before they entered the apartment building together. Sligay remained in the lot in her car, the car in which she and Storm were driving.

Storm followed defendant to defendant's apartment door, where the two argued. Storm called defendant the "n-word" at least once during this interaction. Two tenants in nearby apartment units, Greg Bachleda and Jennifer Goff, heard the argument. Eventually, Bachleda looked through his apartment-door peephole and saw Storm walk away from defendant's closed apartment door and down the common-area stairs. As Storm was descending the stairs, he heard defendant "rumbling with his door" and then exiting the apartment. Storm stepped aside in the stairwell and heard a firearm discharge. Based on the location of the bullet hole from the shot,

Storm testified that the bullet would have hit him had he not stepped aside. After being shot at, Storm rushed to the building's basement and called the police.

Sligay heard a loud bang while in the parking lot and saw Storm run out of the apartment building. Multiple police officers were dispatched to the scene, and defendant was detained. The police completed a protective sweep and collected a shotgun and ammunition from the scene. Police also noted a shoe print on defendant's door that matched the tread pattern on Storm's shoes.

Defendant was charged with assault with intent to commit murder, MCL 750.83, assault with intent to do great bodily harm, MCL 750.84, felonious assault, and three counts of felony-firearm. At trial, defendant's neighbor Goff admitted that she and defendant previously made noise complaints against each other, but denied that they had an adversarial relationship. Defense counsel argued that defendant should be acquitted because he acted in self-defense, given that Storm allegedly tried to kick in defendant's apartment door. The trial court disagreed, stating in its findings of fact:

> [T]he Court just notes for this record that [defendant] Mr. Korlay was behind a locked door. Went to another from his apartment. Retrieved a shotgun. Came back. Open the door and stepped in the hallway to fire. This is not someone who is . . . actually in fear or should be in fear of an imminent unlawful use of force against them.

The trial court found defendant guilty of felonious assault and felony-firearm but acquitted him of the remaining charges, essentially reasoning that defendant only "was firing a warning shot" and did not intend to actually shoot Storm. The trial court sentenced defendant as noted.

This appeal followed.

II. DISCUSSION

A. SELF-DEFENSE

Defendant contends that there was insufficient evidence disproving beyond a reasonable doubt that he acted in self-defense. We disagree.

"This Court reviews de novo defendant's challenge to the sufficiency of the evidence." *People v Meissner*, 294 Mich App 438, 452; 812 NW2d 37 (2011). "We view the evidence in the light most favorable to the prosecution to determine whether a rational trier of fact could have found the essential elements of the crime to have been proved beyond a reasonable doubt." *Id*. "A prosecutor need not present direct evidence of a defendant's guilt. Rather, circumstantial evidence and reasonable inferences arising from that evidence can constitute satisfactory proof of the elements of a crime." *People v Williams*, 294 Mich App 461, 471; 811 NW2d 88 (2011) (cleaned up). "The standard of review is deferential: a reviewing court is required to draw all reasonable inferences and make credibility choices in support of the . . . verdict." *People v Nowack*, 462 Mich 392, 400; 614 NW2d 78 (2000). "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." *People v Hardiman*, 466 Mich 417, 428; 646 NW2d 158 (2002).

Defendant does not dispute that the prosecution proved the specific elements of felonious assault and felony-firearm. Rather, defendant argues that the prosecution failed to disprove self-defense. "Once a defendant raises the issue of self-defense and satisfies the initial burden of producing some evidence from which a jury could conclude that the elements necessary to establish a prima facie defense of self-defense exist, the prosecution must exclude the possibility of self-defense beyond a reasonable doubt." *People v Stevens*, 306 Mich App 620, 630; 858 NW2d 98 (2014) (quotation marks and citations omitted). The Self-Defense Act, MCL 780.971 *et seq.*, states:

> (1) 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 either of the following applies:
>
> (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. [MCL 780.972.]

Here, the prosecution presented sufficient evidence to disprove that defendant acted in self-defense. After defendant closed his apartment door, Storm testified that he began walking away and going down the building's stairs. Seconds later, defendant opened his apartment door and fired his shotgun toward Storm. Storm, after seeing damage caused by the bullet, believed that if he had not stepped aside a moment earlier while on the stairs, it would have struck him. Bachleda and Goff corroborated the sequence of events between Storm and defendant.

The trial court considered evidence from multiple witnesses which shows that defendant closed his apartment door and Storm began walking away from the door and down the stairs, before defendant fired at him. Although evidence existed of Storm's shoeprint on defendant's apartment door, suggesting that he kicked the door, the apartment door was intact and showed no signs of damage. Simply put, defendant left his position of safety within his apartment to open his door and discharge his shotgun in the direction of Storm. This belies defendant's claim that he acted in self-defense. Compare *People v Guajardo*, 300 Mich App 26, 42-43; 832 NW2d 409 (2013) (explaining that the facts did not support the defendant's claim of self-defense because he left a position of safety to retrieve a firearm and confront the victim). In other words, defendant did not have an honest and reasonable belief that the use of deadly force against Storm was necessary to protect himself. See MCL 780.972(1)(a).

Defendant contends that his neighbor Goff lacks credibility because of her prior history with defendant and the reporting noise complaints. However, this Court generally defers to the factfinder with regard to witness credibility. See *People v Stiller*, 242 Mich App 38, 42; 617 NW2d 697 (2000). Goff admitted that she and defendant previously made noise complaints against each other, but she denied that they had an adversarial relationship. Regardless, the trial court did not rely solely on Goff's testimony. The trial court also heard testimony from Storm and Bachleda corroborating the events leading to defendant shooting in the direction of Storm. As such, the prosecution disproved defendant's self-defense claim beyond a reasonable doubt.

B. INEFFECTIVE ASSISTANCE

Defendant next argues that his defense counsel was ineffective for failing to investigate and present additional witnesses at trial. We disagree.

"The right to counsel guaranteed by the United States and Michigan Constitutions, US Const Am VI; Const 1963, art 1, § 20, is the right to the effective assistance of counsel." *People v Shaw*, 315 Mich App 668, 672; 892 NW2d 15 (2016). "A defendant must meet two requirements to warrant a new trial because of the ineffective assistance of trial counsel." *People v Armstrong*, 490 Mich 281, 289-290; 806 NW2d 676 (2011). "First, the defendant must show that counsel's performance fell below an objective standard of reasonableness." *Id*. at 290. "Second, the defendant must show that, but for counsel's deficient performance, a different result would have been reasonably probable." *Id*.

Here, defendant argues that his defense counsel was ineffective because "there were likely other people watching (or hearing) this incident," and "[i]t was possible that each witness would have exculpatory evidence or may have led to other information or people that could provide exculpatory evidence." We acknowledge that a defense counsel's failure to adequately investigate may result in ineffective assistance of counsel, *People v McGhee*, 268 Mich App 600, 626; 709 NW2d 595 (2005), as may the failure to present certain witnesses, *People v Dixon*, 263 Mich App 393, 398; 688 NW2d 308 (2004). However, defendant has not identified any specific facts showing that his defense counsel acted deficiently in this regard. For example, defendant has not identified a specific witness that defense counsel should have investigated and presented at trial, much less the potential testimony of that witness. Thus, defendant has failed to sustain his burden of showing ineffective assistance. See *People v Douglas*, 496 Mich 557, 592; 852 NW2d 587 (2014) ("The defendant has the burden of establishing the factual predicate of his ineffective assistance claim.").

III. CONCLUSION

The prosecution presented sufficient evidence to prove beyond a reasonable doubt that defendant did not act in self-defense, and defendant has not shown that his defense counsel was ineffective for failing to investigate and present additional witnesses. We affirm.

/s/ Michael F. Gadola
/s/ Michael J. Riordan
/s/ Brock A. Swartzle