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STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN, Plaintiff-Appellee,	UNPUBLISHED November 17, 2026 11:17 AM
v	No. 376418 Wayne Circuit Court
NADER LOEY ALMOSAWI, Defendant-Appellant.	LC No. 20-001450-01-FC

Before: LIEVENSE, P.J., and SWARTZLE and MARIANI, JJ.

PER CURIAM.

Defendant was convicted of several charges, including assault with intent to murder, for the nonfatal shooting of the victim who was dating defendant's sister. Defendant appeals, arguing that he is entitled to reversal due to insufficient evidence and prosecutorial misconduct. Finding no reversible errors, we affirm.

I. BACKGROUND

Defendant's sister, Hanine Almosawi, was involved with two individuals: the victim and the codefendant, Abraham Altamimi. On the day of the shooting, the victim received a text message from Hanine asking the victim to pick her up at a location on Winthrop Street; Hanine did not live on Winthrop Street. When the victim arrived at the location, defendant approached and entered the vehicle using the front passenger door. According to the victim, he saw defendant with a gun inside the vehicle; Altamimi standing behind the vehicle with a gun; and a third person, Mike El-Amari, entering the vehicle's backseat to hold the victim. During this encounter, the victim was shot twice in the head and once in the back of the neck. The victim survived the shooting but was in a coma immediately after the event.

At trial, the victim, El-Amari, and Altamimi identified defendant as the person who shot the victim. El-Amari was not charged in connection with the shooting, and Altamimi accepted a plea deal in exchange for his testimony, the details of which were explored during his testimony. The victim testified about the events as described above, whereas El-Amari claimed he was not in the vehicle and Altamimi testified that he was not in possession of a gun. In addition to witness

testimony, defendant's fingerprints were recovered from the exterior, passenger side of the victim's vehicle; the vehicle was purchased two days prior to the shooting.

A jury found defendant guilty of assault with intent to murder, MCL 750.83; carrying a concealed weapon, MCL 750.227; and possession of a firearm during the commission of a felony (felony-firearm), MCL 750.227b. Defendant was sentenced to 7.5 to 20 years' imprisonment for assault with intent to murder, 7 to 23 months' imprisonment for carrying a concealed weapon, and two years' imprisonment for felony-firearm.

Defendant now appeals.

II. ANALYSIS

A. SUFFICIENCY OF EVIDENCE

Defendant first argues on appeal that the evidence was insufficient to convict him. We review de novo defendant's challenge to the sufficiency of the evidence. *People v Wang*, 505 Mich 239, 251; 952 NW2d 334 (2020). We review 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." *People v Prude*, 513 Mich 377, 385; 15 NW3d 249 (2024). It is the jury's duty, not this Court's, "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). All reasonable inferences and credibility choices are made in support of the jury's verdict. *People v Oros*, 502 Mich 229, 239; 917 NW2d 559 (2018).

Defendant argues that because the witnesses' testimony was inconsistent, the evidence was insufficient to prove his guilt. The victim testified that defendant shot him, and this testimony was corroborated by two other witnesses. Although these other witnesses' testimony on other details (Altamimi's possession of a gun and El-Amari's location during the shooting) may not have matched the victim's testimony, this did not hinder defendant's ability to impeach the witnesses on these inconsistencies.

Defendant was able to bring to the jury's attention the conflicts in the evidence, and the jury made credibility determinations in light of these discrepancies. Defendant may not have agreed with the jury's credibility findings, but such disagreement does not affect the sufficiency of the evidence and the jury's ultimate determinations. See *People v Avant*, 235 Mich App 499, 506; 597 NW2d 864 (1999); see also *People v Unger*, 278 Mich App 210, 222; 749 NW2d 272 (2008). Given the evidence produced, a rational jury could have found that defendant was guilty of the three charges beyond a reasonable doubt.

B. PROSECUTORIAL MISCONDUCT

Defendant additionally claims on appeal that the prosecutor engaged in misconduct by allowing a witness to commit perjury. Defendant did not object or otherwise raise this argument before the trial court, so it is unpreserved. We review for plain error unpreserved claims of alleged prosecutorial misconduct. *People v Brown*, 279 Mich App 116, 134; 755 NW2d 664 (2008). The

plain-error standard requires that (1) the error must have occurred, (2) the error was plain, i.e., clear or obvious, (3) and that the plain error affected substantial rights. *People v Carines*, 460 Mich 750, 763; 597 NW2d 130 (1999). The error must have affected the outcome of the lower court proceedings, and reversal is warranted if the error resulted in an innocent defendant's conviction or seriously affected "the fairness, integrity or public reputation of judicial proceedings." *Id.* at 763-764.

Defendant argues that Altamimi perjured himself by stating that he "never hurt nobody" despite his plea agreement to the charge of assault with intent to do great bodily harm. For a prosecutor to commit misconduct based on a witness's alleged act of perjury, "a defendant must show two things—first, that a witness knowingly made a false statement, and second, that the prosecutor knowingly elicited the false statement." *People v Thurmond*, 348 Mich App 715, 736; 20 NW3d 311 (2023) (cleaned up).

Defendant has not shown that Altamimi committed perjury by knowingly making a false statement. Altamimi appeared to be confused by the questioning and the effects of the plea agreement, and if he did make a false statement, then such statement was likely made unknowingly. Furthermore, the prosecutor did not allow the statement "to go uncorrected." *Id.* The jury was informed of Altamimi's plea agreement and heard the victim's conflicting testimony. After defense counsel's questioning, the prosecutor clarified with Altamimi that he was charged with assault under a theory of aiding and abetting, which did not require that Altamimi himself physically harm the victim. Ultimately, defendant has failed to meet his burden to establish that Altamimi's testimony was false and that Altamimi in fact perjured himself.

Affirmed.

/s/ Andrew J. Lievense
/s/ Brock A. Swartzle
/s/ Philip P. Mariani