

STATE OF MICHIGAN  
COURT OF APPEALS

---

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MILTON WALTER BELL, JR.,

Defendant-Appellant.

---

UNPUBLISHED

August 22, 1997

No. 192484

Wayne Juvenile Court

LC No. 92-297795

Before: Sawyer, P.J., and Bandstra and E. A. Quinnell\*, JJ.

MEMORANDUM.

Following an adjudicatory hearing, defendant was found to have committed the offenses of armed robbery, MCL 750.529; MSA 28.797, carrying a concealed weapon, MCL 750.227; MSA 28.424, and curfew violation, Detroit Ordinances, § 33-3-1. He was committed to the care and custody of the Department of Social Services. Defendant appeals as of right. We affirm.

The cumulative effect of the trial court's evidentiary rulings did not impede defendant's ability to present a defense, and thereby deprive him of a fair trial. *People v Malone*, 180 Mich App 347, 362; 447 NW2d 347 (1989). Assuming arguendo that the court erroneously denied defendant's request to produce two subpoenaed prosecution witnesses, the error was harmless for two reasons. *People v Humphreys*, 221 Mich App 443, 448-449; 561 NW2d 868 (1997). First, one of the two subpoenaed witnesses eventually appeared at the hearing and testified as a defense witness. Second, although the second subpoenaed witness did not appear and testify, defendant has failed to explain what he believes this witness would have testified to had he appeared at the hearing, or how that testimony would have helped prove defendant's theory of defense.

Moreover, although the court initially abused its discretion by excluding relevant evidence on the issues of whether defendant was in possession of certain money and personal property by claim of right, LaFave & Scott, Criminal Law (2d ed), § 8.5(a), p 722, and whether defendant possessed the requisite intent to permanently deprive, *People v King*, 210 Mich App 425, 428; 534 NW2d 534 (1995), the

---

\* Circuit judge, sitting on the Court of Appeals by assignment.

error was harmless. *Humphreys, supra*. The court eventually reversed its exclusionary ruling and allowed defendant to present evidence on these issues.

Finally, defendant's claim that the court failed to give serious consideration to defendant's evidence and to decide the weight and credibility to be given the witnesses' testimony must fail for a lack of record support. The court's findings indicate that it listened to the testimony and assessed the credibility of the witnesses. *People v Garcia*, 398 Mich 250, 262-263; 247 NW2d 547 (1976).

Affirmed.

/s/ David H. Sawyer

/s/ Richard A. Bandstra

/s/ Edward A. Quinnell