

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

TENSLEY WALLS, JR.,

Defendant-Appellant.

UNPUBLISHED

February 13, 1998

No. 199565

Ingham Circuit Court

LC No. 96-070321 FH

Before: Markey, P.J., and Doctoroff and Smolenski, JJ.

MEMORANDUM.

Defendant appeals by right his jury conviction of one count of felonious assault, MCL 750.82; MSA 28.277. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant first contends the trial court erred in excluding his proffer of evidence that the victim had a reputation for being a violent and dangerous man. Without regard to whether defendant knew of such reputation, such evidence is admissible although evidence of specific acts of violence by the victim, unless connected with the incident on trial, are inadmissible. *People v Cellura*, 288 Mich 54, 64-68; 284 NW 643 (1939). However, the trial court did not reject this evidence on substantive grounds as not being admissible under the rules of evidence. Rather, the trial court noted that the defendant's motion, presented on the date scheduled for jury trial, September 16, 1996, was too late. Pursuant to the scheduling order, entered after a pretrial conference, such motions were required to be filed within six weeks of arraignment. Defendant waived arraignment on May 6, 1996, so the motions were due by June 17, 1996. Defendant's motion was filed three months after the deadline. No claim is made that the trial court abused its discretion in fixing or adhering to this schedule, and accordingly there was no error in this regard. *People v Grove*, 455 Mich 439, 464; 566 NW2d 547 (1997); *People v Austin*, 209 Mich App 564, 567-568; 531 NW2d 811 (1995), aff'd in part and rev'd in part 455 Mich 439; 566 NW2d 547 (1997)..

Defendant also contends the trial court erred in admitting evidence that he offered the victim \$200 as an inducement to drop the charges. Such evidence was properly admissible to be considered

by the trier of fact with other testimony in the case. *People v Kiely*, 230 Mich 403, 408; 203 NW 112 (1925).

Affirmed.

/s/ Jane E. Markey

/s/ Martin M. Doctoroff

/s/ Michael R. Smolenski