

STATE OF MICHIGAN  
COURT OF APPEALS

---

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

BRUCE PARRY REAM,

Defendant-Appellant.

---

UNPUBLISHED

March 28, 2000

No. 206604

Macomb Circuit Court

LC No. 96-001000-FC

Before: Griffin, P.J., and Holbrook, Jr., and J. B. Sullivan\*, JJ.

PER CURIAM.

Defendant appeals as of right from his jury trial conviction of first-degree criminal sexual conduct, MCL 750.520b(1)(a); MSA 28.788(2)(1)(a). Defendant was sentenced to 96 to 240 months' imprisonment. We affirm.

Defendant first argues that the trial court committed error requiring reversal because it failed to sua sponte give a nonstandard jury instruction, the so-called "Lord Hale" instruction,<sup>1</sup> to the jury. Defendant did not raise the issue at trial by requesting such an instruction or by objecting to the trial court's instructions on that basis. Appellate review is therefore foreclosed absent manifest injustice. MCL 768.29; MSA 28.1052; *People v VanDorsten*, 441 Mich 540, 544-545; 494 NW2d 737 (1993); *People v Rice (On Remand)*, 235 Mich App 429, 443; 597 NW2d 843 (1999).

Because the nonstandard "Lord Hale" instruction has been neither adopted nor otherwise recognized in the State of Michigan, the trial court did not err in failing to sua sponte give this instruction. We further note that, reviewing the jury instructions in their entirety, the jury was otherwise adequately instructed using the standard jury instructions of this state. The instructions fairly presented the issues to be tried and sufficiently protected defendant's rights. *People v Perez-DeLeon*, 224 Mich App 43, 53; 568 NW2d 324 (1998). We therefore find no manifest injustice under the circumstances. *VanDorsten, supra*.

---

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

In a related argument, defendant contends that his counsel was ineffective for failing to request the “Lord Hale” instruction. However, in light of our conclusion that the instruction does

not reflect the law of this state, defendant has not shown that his counsel's performance was unreasonable under prevailing professional norms or that he was prejudiced. *People v Pickens*, 446 Mich 298, 302-303, 312; 521 NW2d 797 (1994). Defendant has therefore not overcome the strong presumption of effective assistance of counsel. *People v Leonard*, 224 Mich App 569, 592; 569 NW2d 663 (1997).

Affirmed.

/s/ Richard Allen Griffin

/s/ Donald E. Holbrook, Jr.

/s/ Joseph B. Sullivan

<sup>1</sup> The "Lord Hale" instruction is an instruction that charges of sexual assault are easily made and difficult to defend against. See *People v Jordan*, 23 Mich App 375, 385, n 10; 178 NW2d 659 (1970).