

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ALONZO TRAYLOR,

Defendant-Appellant.

UNPUBLISHED
October 31, 2000

No. 215834
Wayne Circuit Court
LC No. 98-001751

Before: Griffin, P.J., and Cavanagh and Gage, JJ.

MEMORANDUM.

Defendant appeals as of right his jury conviction for assault with intent to commit great bodily harm, MCL 750.84; MSA 28.279, and felony-firearm, MCL 750.227b; MSA 28.424(2). We affirm.

Defendant's sole issue on appeal concerns the limitation of his cross-examination of complainant. Defense counsel asked complainant whether it was true that he was assaulted by ten individuals in 1997. The court inquired as to the relevancy of the prior assault, and defense counsel stated that it showed that there were a lot of individuals who were unhappy with complainant. The court found that the incident was not close enough in time to be relevant.

A limitation on cross-examination that prevents a defendant from placing before the jury facts upon which an inference of bias, prejudice, or lack of credibility may be drawn amounts to an abuse of discretion that may constitute a denial of the right to confrontation. *People v Mechigian*, 168 Mich App 609, 614; 425 NW2d 199 (1988). Such testimony was not precluded in this case. Defense counsel asked complainant about an attack that took place two years earlier. The court found that this testimony would be irrelevant because it would only show who had a motive to attack complainant in 1997, and not at the time of the instant assault.

There is no showing that the trial court abused its discretion in finding the evidence irrelevant. *People v George*, 213 Mich App 632; 540 NW2d 487 (1995). This evidence would not show bias, prejudice or lack of credibility of the witness, it would only show that other people had a motive to attack him. Where complainant directly identified defendant as his

assailant, there is no showing that the verdict would have been different if the court had admitted the testimony.

Affirmed.

/s/ Richard Allen Griffin

/s/ Mark J. Cavanagh

/s/ Hilda R. Gage