

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

V

TANISHA L. WILLIAMS,

Defendant-Appellant.

UNPUBLISHED

October 2, 2001

No. 226320

Wayne Circuit Court

LC No. 98-011563

Before: Cavanagh, P.J., and Markey and Cooper, JJ.

PER CURIAM.

Defendant appeals by right her jury convictions for assault with intent to commit great bodily harm, MCL 750.84, and felony-firearm, MCL 750.227b. We affirm.

Defendant's convictions arose out of a shooting that followed an altercation on August 23, 1998. Defendant asserted that she acted in self-defense after she was attacked by complainant. On appeal, she asserts that the trial court abused its discretion in excluding evidence that could have supported her claim of self-defense.

The decision whether to admit evidence is within the discretion of the trial court and will only be reversed on appeal if the trial court abused its discretion. *People v Lukity*, 460 Mich 484, 488; 596 NW2d 607 (1999). Defendant bears the burden of establishing that the error was prejudicial and undermined the reliability of the verdict. *Id.* at 495.

Defendant maintained that complainant had keys in her hand that could have been viewed as a weapon. One of the other witnesses testified not only that he saw complainant's keys in her hand, but also that the keys scratched his hand. The trial court did not require the prosecutor to produce two police witnesses who may have taken possession of complainant's keys. The trial court did not abuse its discretion where there was no showing that these were the officers who took the keys. Where other testimony was admitted supporting defendant's claim, defendant was not prejudiced by the police officers' absence.

Defendant also claims that the trial court erred in preventing her from displaying her own keys to the jury, ostensibly to prove that she had separate key sets for her house and her car. But, again, other witnesses testified that defendant returned to the scene because she forgot her keys,

and the keys were found at the scene after the shooting and returned to defendant. Defendant was not prejudiced where other testimony established her claim.

Finally, defendant asserts that the trial court erred in precluding her from testifying that she had a personal protection order (PPO) against another individual as the explanation why she carried a gun. However, the court allowed defendant to testify that she carried the gun because her daughter's father had tried to kill her once and had threatened her on other occasions. The trial court properly found that the PPO was irrelevant. Defendant was not prejudiced where the excluded testimony was cumulative. *People v Bartlett*, 231 Mich App 139, 158; 585 NW2d 341 (1998); *People v McElhaney*, 215 Mich App 269, 283; 545 NW2d 18 (1996).

We affirm.

/s/ Mark J. Cavanagh

/s/ Jane E. Markey

/s/ Jessica R. Cooper