

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

PHILLIPPE S. DAMMAR,

Defendant-Appellant.

UNPUBLISHED
November 9, 2001

No. 225945
Oakland Circuit Court
LC No. 99-166949-FC

Before: Doctoroff, P.J., and Wilder and Schmucker*, JJ.

MEMORANDUM.

Defendant was convicted by jury trial of felonious assault, MCL 750.82, possession of a firearm during the commission of a felony, MCL 750.227b, and carrying a concealed weapon, MCL 750.227. He was sentenced to concurrent prison terms of eighteen months to four years for felonious assault and eighteen months to five years for carrying a concealed weapon, plus a concurrent two-year prison term for felony-firearm. He appeals as of right. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant argues that his assault conviction must be reversed due to the circuit court's refusal to instruct the jury regarding the lesser included offense of reckless discharge of a firearm. After the close of proofs defense counsel expressly requested that the court give no instructions regarding any lesser included offenses whatsoever. Defendant cannot obtain reversal of his conviction due to the absence of an instruction he did not request. *People v Hendricks*, 446 Mich 435, 440-441; 521 NW2d 546 (1994); *People v Pouncey*, 437 Mich 382, 386; 471 NW2d 346 (1991).

Defendant also argues that that the circuit court erred by giving a Black's Law Dictionary definition of assault in response to the jury's request for a legal definition of that term. Our review of the circuit court's supplemental instructions shows that they accurately explained the issues to be tried and sufficiently protected defendant's rights. *People v Wolford*, 189 Mich App 478, 481; 473 NW2d 767 (1991).

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

Affirmed.

/s/ Martin M. Doctoroff

/s/ Kurtis T. Wilder

/s/ Chad C. Schmucker