

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

TIMOTHY CHARLES BOUDAH,

Defendant-Appellant.

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UNPUBLISHED

December 11, 2001

No. 223961

Livingston Circuit Court

LC No. 99-011007-FH

Before: White, P.J., and Talbot and E.R. Post\*, JJ.

MEMORANDUM.

Defendant appeals as of right his jury conviction for resisting and obstructing a police officer. MCL 750.479. We affirm. This appeal is being decided without oral argument.

On appeal, defendant argues that the trial court erred in denying his request for a self-defense jury instruction. Jury instructions must cover each element of the offense charged, along with all material defenses that have evidentiary support. *People v Daniel*, 207 Mich App 47, 53; 523 NW2d 830 (1994). An unsupported instruction should not be given. *People v Johnson*, 171 Mich App 801, 804; 430 NW2d 828 (1988).

Defendant was charged with resisting and obstructing a police officer. Even under defendant's version of the facts, the police officer had not yet assaulted defendant when defendant began his resistance. The trial court did not err in refusing to give a self-defense instruction.

Affirmed.

/s/ Helene N. White  
/s/ Michael J. Talbot  
/s/ Edward R. Post

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