STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN, Plaintiff-Appellee,	UNPUBLISHED August 14, 2012
v	No. 305364 Ingham Circuit Court
LORENZO LAMAR HEATH, Defendant-Appellant.	LC No. 10-000932-FC

Before: TALBOT, P.J., and WILDER and RIORDAN, JJ.

PER CURIAM.

Lorenzo Lamar Heath appeals as of right his jury trial convictions of three counts of armed robbery,[1] first-degree home invasion,[2] conspiracy,[3] and use of a firearm during the commission of a felony ("felony-firearm").[4] Heath was sentenced to concurrent terms of 12 years to life imprisonment for each of the armed robbery convictions, 12 to 20 years for first-degree home invasion, three to five years for conspiracy, as well as two years for felony-firearm to be served consecutive to the other sentences. We affirm.

This case arises out of an armed robbery of an apartment committed by four assailants in January 2009. Heath argues that the evidence was insufficient to support his convictions because the evidence did not establish his involvement in the crimes. We disagree. We review de novo a challenge to the sufficiency of the evidence.[5] "In determining whether the prosecutor has presented sufficient evidence to sustain a conviction, an appellate court is required to take the evidence in the light most favorable to the prosecutor" to ascertain "whether a rational trier of

[1] MCL 750.529.

[2] MCL 750.110a(2).

[3] MCL 750.157a.

[4] MCL 750.227b.

[5] *People v Ericksen*, 288 Mich App 192, 195; 793 NW2d 120 (2010).

fact could find the defendant guilty beyond a reasonable doubt."[6] "[D]irect and circumstantial [evidence], as well as all reasonable inferences that may be drawn therefrom," may be considered to determine whether there was sufficient evidence to support a defendant's conviction.[7]

The eyewitnesses whose apartment was burglarized were unable to identify Heath as a participant in the robbery and there was no physical evidence demonstrating that Heath was in the home. Two accomplices, however, testified regarding Heath's involvement in the armed robbery. Heath asserts that the alleged accomplices' testimony was not sufficient to convict him. Frank Whitfield, Heath's half-brother, initially testified that Heath left the vehicle and was not present during the robbery. Whitfield, however, received a plea agreement in exchange for his testimony against Heath and the other accomplices, and had testified regarding Heath's involvement in the armed robbery during Whitfield's plea hearing, Heath's preliminary examination, and during a proffer statement to police. At trial, Whitfield indicated that he did not want to testify at trial and explained that he previously testified against Heath because he was angry with Heath and wanted a plea agreement. But when Whitfield was confronted with his previous statements detailing Heath's involvement in the armed robbery, he then testified that it was "the truth of this case" that Heath robbed the apartment with his accomplices. While Whitfield's testimony was somewhat erratic, the jury as the finder of fact could have found that the portion of Whitfield's testimony implicating Heath was credible.[8]

Additionally, another accomplice, Eric Blakney-Smith testified in exchange for a plea agreement. Blakney-Smith testified that Heath was involved in the planning, and participated in the armed robbery, including having possession of a handgun at times during the armed robbery.

Moreover, the occupants of the apartment, who were eyewitnesses to the robbery, testified consistently regarding the actions of the four assailants. The details provided by the eyewitnesses included, how the assailants gained access to the apartment, the directions the assailants gave the occupants, as well as information regarding the assailants' search and exit from the apartment. The testimony provided by the eyewitnesses was consistent with Whitfield's previous statements, and Blakney-Smith's trial testimony. "This Court will not interfere with the trier of fact's role of determining the weight of the evidence or the credibility of the witnesses."[9] Therefore, viewing the evidence in the light most favorable to the prosecution, there was sufficient evidence to support Heath's convictions.[10]

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[6] *People v Tennyson*, 487 Mich 730, 735; 790 NW2d 354 (2010).

[7] *People v Hardiman*, 466 Mich 417, 429; 646 NW2d 158 (2002).

[8] *People v Williams*, 268 Mich App 416, 419; 707 NW2d 624 (2005).

[9] *Id.*

[10] *Tennyson*, 487 Mich at 735.

Heath next argues that he was denied the right to cross examine witnesses when the trial court errantly limited his cross-examination of Whitfield. We disagree. We review a trial court's decision on an evidentiary issue for an abuse of discretion.[11] An abuse of discretion occurs when the trial court chooses an outcome that falls outside the range of "reasonable and principled outcome[s]."[12]

"The Confrontation Clause of the United States Constitution provides that '[i]n all criminal prosecutions, the accused shall enjoy the right . . . to be confronted with the witnesses against him.'"[13] "A witness may be cross-examined on any matter relevant to any issue in the case, including credibility."[14] "[P]roof of bias is almost always relevant because the jury, as finder of fact and weigher of credibility, has historically been entitled to assess all evidence that might bear on the accuracy and truth of a witness' testimony."[15] Prevention of "any exploration of a witness' bias" is a denial of a defendant's right to confrontation.[16] A trial court, however, may limit cross-examination regarding bias[17] because "the trial court has wide discretion regarding admissibility of bias during cross-examination."[18]

While the trial court sustained the prosecution's objection to defense counsel's question regarding whether Whitfield was told that he would receive less prison time if he provided certain testimony, the trial court did not deny Heath the opportunity to question Whitfield regarding his bias. Review of the trial court's comments in context reveals that the trial court indicated that it was necessary for defense counsel to clarify which of Whitfield's statements she was inquiring about when formulating her questions in order to lay a foundation. Whitfield was questioned extensively by defense counsel regarding the details of Whitfield's plea agreement and the circumstances surrounding Whitfield's varying statements. Accordingly, there was no abuse of discretion by the trial court.[19]

Lastly, Heath argues that Whitfield's right to counsel was violated when he was coerced to testify against Heath when Whitfield was told that failure to do so would result in him losing

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[11] *People v Gould*, 225 Mich App 79, 88; 570 NW2d 140 (1997).

[12] *People v Babcock*, 469 Mich 247, 269; 666 NW2d 231 (2003).

[13] *People v Fackelman*, 489 Mich 515, 524-525; 802 NW2d 552 (2011), quoting US Const, Am VI.

[14] MRE 611(c).

[15] *People v Layher*, 464 Mich 756, 765; 631 NW2d 281 (2001) (citation and quotation omitted).

[16] *People v Bushard*, 444 Mich 384, 392; 508 NW2d 745 (1993).

[17] *Id.*

[18] *Layher*, 464 Mich at 765, citing MRE 611.

[19] *Babcock*, 469 Mich at 269.

his plea agreement. Heath is not permitted to raise this issue on Whitfield's behalf, thus it will not be reviewed on appeal.[20]

Affirmed.

/s/ Michael J. Talbot
/s/ Kurtis T. Wilder
/s/ Michael J. Riordan

[20] See *People v Zahn*, 234 Mich App 438, 446; 594 NW2d 120 (1999).