

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

UNPUBLISHED
November 20, 2012

v

RAYNADA JONES,

Defendant-Appellant.

No. 307000
Ingham Circuit Court
LC No. 10-000568-FC

Before: JANSEN, P.J., and STEPHENS and RIORDAN, JJ.

PER CURIAM.

Defendant appeals as of right his jury trial convictions of first-degree felony-murder, MCL 750.316(1), first-degree home invasion, MCL 750.110a(2), and carrying a concealed weapon, MCL 750.227. Defendant was sentenced as a second-offense habitual offender, MCL 769.10, to life without parole for first-degree felony murder, 117 to 240 months for first-degree home invasion, and 24 to 60 months for carrying a concealed weapon. We affirm.

I. FACTUAL BACKGROUND

The victim was found dead in her apartment lying naked on the floor. Her apartment had been broken into and she had been stabbed 24 times in the torso region and 14 times in her upper extremities. The tip of a knife was embedded in her shoulder, and she had sustained blunt force trauma to the head. A nearby resident had witnessed a man ride his bicycle to the victim's apartment complex and proceed toward the victim's building. The witness heard a loud noise as if a door had been kicked open, saw the victim's blinds shuffle, and heard the victim scream for help. The witness then observed someone driving away in the victim's vehicle. Police officers eventually located the victim's truck, the knife, and the victim's cellular phone. Defendant's blood was located on the outside handle of the driver's door.

The victim had a personal protection order protecting her against defendant. While defendant admitted that he rode to the victim's apartment on a bicycle that night, he testified that he left to buy condoms and when he returned, he saw a man coming out of her apartment. Defendant claimed that the man tried to spit on him, which angered defendant, and defendant kicked open the victim's door. Upon entering the apartment, defendant claimed that there was

another man inside and the victim was naked. According to defendant, he physically fought with the two men. After the two men left, defendant testified that he went “ballistic,” and attacked everything in sight until he eventually left in the victim’s truck.

Defendant claimed that when he was stabbing the victim and hitting her with a two-by-four, he was not trying to kill her. He admitted that he failed to tell the police about the alleged presence of the other two men. He also testified that while he told the police that he had picked up a knife from a parking lot before going to the victim’s apartment, that was not the knife used in the stabbing. Lastly, defendant acknowledged that in a phone conversation with the victim approximately nine months before her murder, he told her that she would not exist anymore, that he knew she did not lock her doors, and that he would stab her 33 times. Defendant explained that he was joking. Defendant was convicted of first-degree felony-murder, first-degree home invasion, and carrying a concealed weapon. Defendant now appeals.

II. EVIDENCE

A. Standard of Review

On appeal, defendant objects to the trial court’s exclusion of testimony from the victim’s mother about the victim’s depression. “The decision whether to admit evidence is within the trial court’s discretion and will be reversed only where there is an abuse of discretion.” *People v Moore*, 246 Mich App 172, 174; 631 NW2d 779 (2001). “A trial court abuses its discretion when it chooses an outcome that is outside the range of reasonable and principled outcomes.” *People v Orr*, 275 Mich App 587, 588-589; 739 NW2d 385 (2007). We review de novo a defendant’s claim that he was denied his constitutional right to present a defense. *People v Unger*, 278 Mich App 210, 247; 749 NW2d 272 (2008).

B. Analysis

During cross-examination of the victim’s mother, defendant initiated a line of questioning about the victim’s depression and medication. When the prosecution objected based on relevancy ground, defendant argued that the victim’s state of mind was relevant to determine whether the killing was voluntary manslaughter. The trial court sustained the objection. This ruling was not in error.

“Generally, all relevant evidence is admissible, and irrelevant evidence is not.” *People v Benton*, 294 Mich App 191, 199; 817 NW2d 599 (2011) (internal quotations and citations omitted). Pursuant to MRE 401, “[r]elevant evidence’ means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.” As this Court explained, “[r]elevant evidence thus is evidence that is material [(r)elated to any fact that is of consequence to the action) and has probative force (any tendency to make the existence of a fact of consequence more or less probable than it would be without the evidence).” *People v Sabin*, 463 Mich 43, 57; 614 NW2d 888 (2000).

The evidence defendant attempted to introduce about the victim's depression was purely speculative and irrelevant. As the trial court noted, there were no witnesses to the murder, and the victim's mother was not present during her daughter's murder. There is no evidence to even suggest that the victim's mother could offer insight about what happened when her daughter was being killed, how her daughter behaved, or what was her daughter's state of mind.¹ At most, the victim's mother could offer generalized testimony about the victim's behavior when she was not taking medication. It was not an abuse of discretion to find that such attenuated evidence was irrelevant, as it did not make a material fact of the case any more or less probable. See *Sabin*, 463, Mich at 57.²

Defendant's argument that he was denied his constitutional right to present a defense is likewise meritless. "A criminal defendant has a right to present a defense under our state and federal constitutions." *People v Anstey*, 476 Mich 436, 460; 719 NW2d 579 (2006). As "the United States Supreme Court stated, [o]ur cases establish, at a minimum, that criminal defendants have the right to . . . put before a jury evidence that might influence the determination of guilt." *Id.* (internal quotations and citation omitted). However, the right to present a defense is not absolute. *People v Kowalski*, 492 Mich 106, 139; 821 NW2d 14 (2012). It "may, in appropriate cases, bow to accommodate other legitimate interests in the criminal trial process[.]" such as Michigan's "legitimate interest in promulgating and implementing its own rules concerning the conduct of trials." *People v King*, ___ Mich App ___; ___ NW2d ___ (Docket No. 301793, issued July 31, 2012) (slip op p 4) (internal quotations and citations omitted). Moreover, "Michigan's Rules of Evidence do not infringe a defendant's constitutional right to present a defense unless they are arbitrary or disproportionate to the purposes they are designed to serve." *King*, ___ Mich App at ___ (slip op at 4) (internal quotations and citation omitted).

Defendant has failed to articulate how the application of the Michigan Rules of Evidence in this case was "arbitrary or disproportionate to the purposes they are designed to serve." *King*, ___ Mich App at ___ (slip op at 4). As noted above, any speculative evidence defendant may have gleaned from the victim's mother was simply irrelevant and, thus, the application of the rules of evidence did not infringe on defendant's right to actually present a defense. Furthermore, defendant had ample opportunity to present a defense based on voluntary manslaughter when he testified. Since defendant was "allowed to present evidence in the form of his testimony" that would constitute a defense to the first-degree murder charges, "we reject defendant claim that constitutional error occurred[.]" *King*, ___ Mich App at ___ (slip op at 4).

¹ Moreover, as discussed below, defendant had the opportunity to present evidence relating to the victim's behavior when he testified, as he was the only witness to the murder. The fact that the court found a voluntary manslaughter instruction was warranted is further evidence that defendant was afforded the opportunity to present his defense.

² Furthermore, remanding for an evidentiary hearing is unnecessary, as "an evidentiary hearing in this regard should not be utilized as a fishing expedition." *People v Williams*, 191 Mich App 269, 274; 477 NW2d 877 (1991).

III. CONCLUSION

The trial court did not abuse its discretion in excluding evidence of the victim's depression and medication. This exclusion of evidence also did not deny defendant his constitutional right to present a defense. We affirm.

/s/ Kathleen Jansen

/s/ Cynthia Diane Stephens

/s/ Michael J. Riordan