

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JABBAR NEWSON,

Defendant-Appellant.

UNPUBLISHED

June 1, 2001

No. 218198

Wayne Circuit Court,

Criminal Division

LC No. 98-006029

Before: Hood, P.J., and Doctoroff and K.F. Kelly, JJ.

MEMORANDUM.

Defendant was convicted by a jury of second-degree murder, MCL 750.317; MSA 28.549, assault with intent to do great bodily harm, MCL 750.84; MSA 28.279, and possession of a firearm during the commission of a felony, MCL 750.227b; MSA 28.424(2). The trial court sentenced defendant as an habitual offender (second offense), MCL 769.10; MSA 28.1082, to concurrent terms of thirty-five to fifty years imprisonment for the second-degree murder conviction and fifteen to thirty years imprisonment for the assault with intent to do great bodily harm conviction. The court also sentenced defendant to two years imprisonment for his felony-firearm conviction, to be served consecutively to the other sentences. Defendant now appeals as of right. We affirm.

Defendant argues that he was denied his right to confrontation when the trial court limited his cross-examination of Yarnell Waller, a prosecution witness. We review constitutional questions de novo. *People v Conat*, 238 Mich App 134, 144; 605 NW2d 49 (1999).

A primary interest secured by the Confrontation Clause of the Sixth Amendment to the United States Constitution is the right of cross-examination. *People v Adamski*, 198 Mich App 133, 138; 497 NW2d 546 (1993). A limitation on cross-examination that prevents a defendant from placing before the jury facts from which the jurors may infer bias, prejudice, or lack of credibility of a prosecution witness constitutes a denial of the right of confrontation. *People v Kelly*, 231 Mich App 627, 644; 588 NW2d 480 (1998).

However, neither the Confrontation Clause nor due process confers an unlimited right to admit all relevant evidence or cross-examine on any subject.” *Adamski, supra* at 138. The Confrontation Clause guarantees only “an opportunity for effective cross-examination, not cross-examination that is effective in whatever way, and to whatever extent, the defense might wish.”

People v Chavies, 234 Mich App 274, 283; 593 NW2d 655 (1999), quoting *United States v Owens*, 484 US 554, 559; 108 S Ct 838; 98 L Ed 2d 951 (1988). Moreover, trial judges retain wide latitude to impose reasonable limits on cross-examination based on concerns such as harassment, prejudice, confusion of the issues, the witness' safety, or interrogation that is repetitive or only marginally relevant. *Adamski, supra*.

Here, defendant contends that his right to confrontation was denied when the trial court did not allow defendant to cross-examine and impeach Waller about how and when he injured his right hand. We disagree. Defendant argued that Waller framed him to avoid prosecution for the crime. However, other than defendant's speculation, there was no evidence presented at trial supporting defendant's claim that Waller committed the crime. More importantly, there was no evidence at trial supporting defendant's contention that the man that entered the apartment with the gun either already had an injured right hand or injured his right hand during the shooting. Defendant's attempt to impeach Waller on this matter was irrelevant and would have been confusing to the jury. A defendant does not have the right to cross-examine a witness on irrelevant issues. *People v Canter*, 197 Mich App 550, 564; 496 NW2d 336 (1992). We find no error in the trial court's decision to prevent defendant's proposed cross-examination.

Affirmed.

/s/ Harold Hood
/s/ Martin M. Doctoroff
/s/ Kirsten Frank Kelly