

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JOHN MICHAEL SOBLESKEY,

Defendant-Appellant.

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UNPUBLISHED

October 16, 2001

No. 223180

Clinton Circuit Court

LC No. 99-006609-FC

Before: K. F. Kelly, P.J., and Murphy and Fitzgerald, JJ.

PER CURIAM.

Following a jury trial, defendant was convicted of first-degree murder supported by two theories – first-degree premeditated murder, MCL 750.316(1)(a), and felony-murder, MCL 750.316(1)(b) – for which he was sentenced to life imprisonment without possibility of parole. We affirm.

Defendant first contends that the trial court erred when it admitted into evidence written transcripts of two taped statements made by defendant after his arrest. We disagree. The use of transcripts is similar to the use of photographs, maps, and drawings. *People v Karalla*, 35 Mich App 541, 546; 192 NW2d 676 (1971). The fact that the recording from which a transcript was made is entered into evidence does not preclude the admission of the written transcript. *Id.* Further, because the transcripts were properly authenticated evidence for the jury’s consideration, defendant’s contention that the jurors may have relied on improperly admitted evidence is without merit. Notably, defense counsel relied heavily on the written transcripts during closing arguments and encouraged the jury to refer to specific pages of each transcript when deciding whether defendant possessed the requisite intent for conviction of the charged offenses. We find no abuse of discretion in the trial court’s decision to admit the transcripts. *People v Starr*, 457 Mich 490, 494; 577 NW2d 673 (1998).

Defendant also raises several unpreserved claims of instructional error. Defendant’s failure to object to the instructions as given waives any challenges to the instructions unless the alleged error resulted in a miscarriage of justice. *People v Carter*, 462 Mich 206, 209, 215; 612 NW2d 144 (2000); *People v Haywood*, 209 Mich App 217, 230; 530 NW2d 497 (1995).

Jury instructions must be reviewed in their entirety before this Court can determine whether error requiring reversal occurred. *People v Canales*, 243 Mich App 571, 574; 624

NW2d 439 (2000). All elements of each crime charged must be included in the instructions. *People v Reed*, 393 Mich 342, 349-350; 224 NW2d 867 (1975). Reversal is unwarranted if the instructions as given, even if imperfect, fairly presented the issues to be tried and adequately protected the defendant's rights. *People v Daniel*, 207 Mich App 47, 53; 523 NW2d 830 (1994).

Defendant contends the trial court erred when it failed to read verbatim the portion of CJI2d 16.4 that addresses the intent to commit the underlying felony from which a death resulted. We disagree. The court's instructions apprised the jury of all essential elements of the crimes with which defendant was charged, including the requirement under the felony-murder statute that defendant himself intended to commit the underlying larceny or that defendant knew that his companions intended to commit the larceny and assisted them in carrying out their intentions.

Defendant also asserts that the trial court committed error requiring reversal by failing to read verbatim the instruction on specific intent. See CJI2d 3.9. Where specific intent is required for conviction, the jury must find that the defendant performed the act with the intent to bring about the specific result prohibited by the statute under which the defendant was charged. *People v Beaudin*, 417 Mich 570, 575; 339 NW2d 461 (1983). However, a trial court is not required to use the term "specific intent" as long as the jury instructions adequately describe the intent required to convict a defendant of the charged crimes. *People v Mitchell*, 61 Mich App 153, 162-163; 232 NW2d 340 (1975). Here, the instructions, when considered in their entirety, adequately described the intent required for each of the charged crimes. Hence, we find no error.

Lastly, defendant argues that the trial court erred when it provided comparison charts of the elements of first-degree premeditated murder, felony-murder, and second-degree murder, which the jury requested, without also providing complete written instructions regarding those offenses, which the jury did not request. We disagree. The comparison charts were responsive to the jury's request, were not misleading, and did not prejudice defendant. *People v Bonham*, 182 Mich App 130, 134-135; 451 NW2d 530 (1989).

Affirmed.

/s/ Kirsten Frank Kelly  
/s/ William B. Murphy  
/s/ E. Thomas Fitzgerald