

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

WILLIAM HENRY WALKER,

Defendant-Appellant.

UNPUBLISHED

July 12, 2002

No. 232035

Marquette Circuit Court

LC No. 99-036436-FH

Before: Griffin, P.J., and Hood and Sawyer, JJ.

PER CURIAM.

Defendant was convicted, following a jury trial, of assaulting a prison official. MCL 750.197c. He was sentenced to two to ten years' imprisonment as a fourth habitual offender, MCL 769.12. He now appeals and we affirm.

Defendant first contends that he was denied a fair trial because the trial court ordered that he remain shackled throughout trial. We disagree. This Court reviews a trial court's decision to allow the restraint of a defendant during trial for an abuse of discretion under the totality of the circumstances. *People v Dixon*, 217 Mich App 400, 404-405; 552 NW2d 663 (1996).

Freedom from shackling is an essential component of a fair trial. *People v Williams*, 173 Mich App 312, 314; 433 NW2d 356 (1988). Therefore, a defendant should not be shackled during trial unless extraordinary circumstances demand it. *People v Jankowski*, 130 Mich App 143, 146; 342 NW2d 911 (1983). Extraordinary circumstances include preventing a defendant's escape, protecting courtroom observers from injury, and maintaining order during the proceedings. *People v Dunn*, 446 Mich 409, 426; 521 NW2d 255 (1994); *Williams, supra* at 314.

The trial court did not frivolously grant this request. It held a hearing and carefully considered defendant's prison record, including assaultive behavior¹ and defendant's security classification, citing both in support of its decision. In light of defendant's violent behavior pattern and the careful consideration given the issue by the trial court, we are not persuaded that

¹ Defendant's prison disciplinary record shows 208 misconduct tickets, including 82 for disobeying a direct order, 24 for assaults on prison staff, 1 for assaulting another inmate, 1 for felonious assault, several for threatening behavior and numerous tickets for insolent behavior.

the trial court abused its discretion in ordering defendant shackled during the trial and we will not substitute our judgment for the trial court's.

Defendant next argues that he was denied a fair trial when the trial court prevented him from presenting testimony in support of the prosecution witnesses' bias against him. We disagree. This Court reviews a trial court's decision to admit or exclude evidence for an abuse of discretion. *People v Starr*, 457 Mich 490, 494; 577 NW2d 673 (1998).

A defendant's right to present witnesses in his own defense is subject to the same protection as a defendant's constitutional right to confront and cross-examine the witnesses against him. *People v Whitfield*, 425 Mich 116, 125 n 1; 388 NW2d 206 (1986). A witness' motivation for testifying is always of undeniable relevance and a defendant is entitled to have the jury consider any fact that may have influenced the witness' testimony. *People v Minor*, 213 Mich App 682, 685; 541 NW2d 576 (1995). This right is denied a defendant when he is prevented from placing before the jury facts from which the jurors could infer a witness' bias, prejudice, or lack of credibility. *People v Kelly*, 231 Mich App 627, 644; 588 NW2d 480 (1998).

Here, the trial court placed no limits on defendant's ability to present evidence of the many lawsuits and grievances defendant initiated against Marquette prison in his effort to show why prison officials would create an elaborate scheme to cause defendant's transfer from Marquette prison. Defendant was given ample opportunity to present evidence that challenged the credibility and motives of the prosecution witnesses. Therefore, the trial court did not err on this ground.

Affirmed.

/s/ Richard Allen Griffin
/s/ David H. Sawyer