

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

RENALDON HARRIS,

Defendant-Appellant.

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UNPUBLISHED

December 13, 2002

No. 233314

Wayne Circuit Court

LC No. 00-009236

Before: Owens, P.J., and Murphy and Cavanagh, JJ.

PER CURIAM.

Defendant appeals as of right his convictions of second-degree murder, MCL 750.317, felon in possession of a firearm, MCL 750.224f, and possession of a firearm during the commission of a felony, MCL 750.227b, entered after a bench trial. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant was charged with first-degree murder, MCL 750.316, assault with intent to commit murder, MCL 750.83, felon in possession of a firearm, and felony-firearm in connection with the shooting death of Sterling Harris. The prosecutor filed a notice of intent to seek enhancement of defendant's sentence under the habitual offender statute, MCL 769.10. The prosecution offered to allow defendant to plead guilty to second-degree murder, felon in possession of a firearm, and felony-firearm in return for dismissal of the assault charge and the habitual offender notice. The prosecution agreed to accept a sentence of twenty to fifty years for the conviction of second-degree murder. The trial court opined that the offer was generous, and that defendant should seriously consider accepting it. Defendant declined the offer.

The trial court found defendant guilty of second-degree murder, felon in possession of a firearm, and felony-firearm.<sup>1</sup> The court acquitted defendant of assault with intent to commit murder on the ground that no evidence showed that defendant assaulted decedent. The court found that defendant's statement that he and his brother carried guns on a mission to make peace was not credible. The court acknowledged that defendant maintained he did not intend to kill decedent and that he fired in what he believed was the defense of his brother; nevertheless, the

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<sup>1</sup> Defendant did not dispute that the evidence supported a finding that he was guilty of the latter two charges.

court rejected defendant's assertion of self-defense based on the evidence that decedent was shot multiple times, including while he was lying on the ground. The court convicted defendant of second-degree murder on the grounds that defendant acted as he did knowing that his actions created a very high risk of death, and that the prosecution did not prove premeditation beyond a reasonable doubt.

Defendant contends that the trial court deprived him of his constitutional right to a fair trial by finding him guilty of the same offenses to which the prosecution offered to allow him to plead guilty, and then imposing virtually the same sentence for second-degree murder that was part of the proposed agreement. Indeed, a defendant has an absolute constitutional right to a trial. US Const, Am XIV; Const 1963, art 1, § 17. A trial court cannot punish a defendant for exercising that right. See *People v Shields*, 200 Mich App 554, 561; 504 NW2d 711 (1993); *People v Godbold*, 230 Mich App 508, 512; 585 NW2d 13 (1998).

Here, we agree that the trial court went to great lengths to ensure that defendant was considering all the possibilities in rejecting the prosecution's offer. Under the circumstances, we do not believe that the trial court's efforts were inappropriate, especially where the record suggests that there might have been a disagreement between defendant and defense counsel. In fact, the trial court's efforts could also be viewed as an attempt to bolster defendant's confidence in defense counsel. Moreover, there is no indication that the trial court's findings were influenced by defendant's decision to pursue a trial, rather than accept the plea bargain offer. The trial court's findings were well reasoned and amply supported by the evidence introduced at trial. The similarity between the sentences does not disturb our conclusion, and, if anything, suggests that the trial court did not "punish" defendant for pursuing a trial. Consequently, we are not persuaded that defendant was deprived of his constitutional right to a trial.

Affirmed.

/s/ Donald S. Owens  
/s/ William B. Murphy  
/s/ Mark J. Cavanagh