

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

STANLEY JEROME BROWN,

Defendant-Appellant.

UNPUBLISHED

June 17, 2004

No. 246894

Wayne Circuit Court

LC No. 02-006678

Before: Sawyer, P.J., and Gage and Owens, JJ.

MEMORANDUM.

Defendant appeals as of right his jury conviction on four counts of second-degree criminal sexual conduct, MCL 750.520c. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

On appeal, defendant argues that the trial court abused its discretion in denying his motion for discovery of confidential records pertaining to complainants. Criminal defendants do not have general rights to discovery. *People v Stanaway*, 446 Mich 643, 680; 521 NW2d 557 (1994). Defendant bears the burden of presenting the court with facts indicating that the information is necessary to the preparation of a defense and not simply part of a fishing expedition. *Id.* A generalized assertion that records may contain evidence useful for impeachment is not sufficient to merit an in camera hearing. *Id.*, 681. Where a defendant can establish a reasonable probability that privileged records are likely to contain material information necessary to his defense, an in camera review of those records must be conducted to ascertain whether they contain evidence that is reasonably necessary to the defense. *Id.*, 649-650.

Defendant offered nothing but a generalized assertion that the records might contain useful evidence. There were no specific allegations, and the trial court properly characterized defendant's efforts as a fishing expedition.

Affirmed.

/s/ David H. Sawyer

/s/ Hilda R. Gage

/s/ Donald S. Owens