

# STATE OF MICHIGAN

## COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,	UNPUBLISHED
Plaintiff-Appellee,	September 21, 2001

v

ROBERT RENAULT STUCKMANN,	No 223844
Defendant-Appellant.	Midland Circuit Court
	LC No. 99-009198-FC

Before: Cavanagh, P.J., and Markey and Cooper, JJ.

PER CURIAM.

Defendant was convicted by a jury of eight counts of first-degree criminal sexual conduct, MCL 750.520b(1)(a), for which he was sentenced to serve eight concurrent prison terms of twenty to forty years'. He appeals as of right, and we affirm.

On appeal, defendant first argues that the trial court abused its discretion in refusing to conduct an in camera review of the complainants' privileged records to determine whether exculpatory evidence was present. We disagree.

Before a defendant is entitled to review a complainant's privileged records, or have them produced for an in camera review by the trial court, he must make a preliminary showing that he has "a good-faith belief, grounded on some demonstrable fact, that there is reasonable probability that the records are likely to contain material information necessary to the defense." *People v Stanaway*, 446 Mich 643, 677; 521 NW2d 557 (1994). Evidence protected by privilege should be provided to defense counsel only if the court finds that the evidence is essential and necessary to the defense. *Id.* at 684. We review a trial court's rulings as to evidentiary issues, including discovery requests, for an abuse of discretion. *People v Fink*, 456 Mich 449, 458; 574 NW2d 28 (1998); *Stanaway, supra* at 680. Even though each party has a right to discovery under MCR 6.201, a trial court's decision to order an in camera review of privileged records remains discretionary. *People v Laws*, 218 Mich App 447, 455; 554 NW2d 586 (1996).

Here, we find no abuse of discretion by the trial court in denying the discovery motion without prejudice. Defendant's discovery request was not based on any demonstrable fact in support of the defense theory, but rather was intended as a mere fishing expedition. *Stanaway, supra* at 681-682; *People v Crear*, 242 Mich App 158, 169; 618 NW2d 91 (2000). Accordingly, defendant has not established entitlement to relief on this issue.

Defendant next argues that the trial court abused its discretion in limiting cross-examination of one of the complainants regarding multiple drug delivery offenses he admitted committing, but which were not prosecuted. We again disagree.

A defendant has a constitutional right to present a defense and confront his accusers; a primary interest secured by the right of confrontation is the right of cross-examination. *People v Adamski*, 198 Mich App 133, 138; 497 NW2d 546 (1993). Evidence of a witness' motivation for testifying is highly relevant to that person's credibility. *Id.* However, trial courts may exercise their discretion by imposing reasonable limits on cross-examination in light of concerns about harassment, prejudice, confusion of the issues, or questioning that is repetitive or only marginally relevant. *Id.*; MRE 611(a).

Here, the trial court did not abuse its discretion in ruling that the line of questioning would be confusing to the jury and interject irrelevant issues. Cross-examination of the complainant regarding other uncharged drug transactions was neither relevant nor probative of the actual plea agreement or the defense theory. See *People v Sardy*, 216 Mich App 111, 115-116; 549 NW2d 23 (1996); *People v Madden*, 55 Mich App 363, 366-367; 222 NW2d 245 (1974). Moreover, defense counsel was allowed to cross-examine the complainant extensively regarding the plea agreement and, therefore, the jury was made aware of a possible motive to fabricate.

Affirmed.

/s/ Mark J. Cavanagh

/s/ Jane E. Markey

/s/ Jessica R. Cooper