

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

UNPUBLISHED
June 26, 2012

v

DRESHAWN LAMONT GRANT,
Defendant-Appellant.

No. 298711
Wayne Circuit Court
LC No. 09-025120-FC

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

WILLIAM HAROLD DOTHARD,
Defendant-Appellant.

No. 299237
Wayne Circuit Court
LC No. 09-025120-FC

Before: K. F. KELLY, P.J., and SAWYER and RONAYNE KRAUSE, JJ.

PER CURIAM.

Defendants Dreshawn Grant and William Dothard were tried jointly, before separate juries. Defendant Grant was convicted of first-degree home invasion, MCL 750.110a(2), and sentenced to a prison term of 6 to 20 years.¹ Defendant Dothard was convicted of first-degree felony murder, MCL 750.316(1)(b), armed robbery, MCL 750.529, first-degree home invasion, MCL 750.110a(2), and possession of a firearm during the commission of a felony, MCL 750.227b. Defendant Dothard was sentenced to life imprisonment for the felony-murder conviction and concurrent prison terms of 11 to 20 years each for the home invasion and robbery convictions, to be served consecutive to a two-year term of imprisonment for the felony-firearm conviction. Defendant Grant appeals as of right in Docket No. 298711, and defendant Dothard

¹ Defendant Grant was acquitted of additional charges of first-degree felony murder, MCL 750.316(1)(b), and armed robbery, MCL 750.529.

appeals as of right in Docket No. 299237. Their appeals have been consolidated. We affirm in both cases.

Defendants' convictions arise from the shooting death of 29-year-old Jamal Harper during the commission of a robbery. Three others were also charged in the offense, Elesha Fullwood, Treisa Lyles, and Dione Wade. Lyles and Fullwood both pleaded guilty to second-degree murder pursuant to plea agreements in which they agreed to testify truthfully for the prosecution. Wade was charged with first-degree premeditated murder, but pleaded guilty to second-degree murder and felony-firearm pursuant to a plea agreement. Wade was called as a defense witness by defendant Dothard.

Testimony at trial indicated that Lyles, Fullwood, Wade, and defendants Grant and Dothard were all at a house together when someone raised the idea of committing a robbery. According to Lyles, defendant Grant, who was Lyles's boyfriend, identified Jamal Harper as a potential target. Defendant Grant had previously found Harper's telephone number in Lyles's purse and he threatened to end his relationship with Lyles if she did not agree to contact Harper to arrange to meet. Lyles thereafter contacted Harper, who later picked up Lyles and Fullwood and brought them back to his house. According to both Lyles and Fullwood, at some point later that evening, Wade and defendant Dothard both entered Harper's house at gunpoint and announced a robbery. Wade and defendant Dothard later brought Harper to the basement of his house where he was eventually shot to death, apparently by Wade. The women and defendant Dothard then removed several garbage bags of clothing, jewelry, and other items from Harper's house, and the group returned to the house where they were at previously and divided up the stolen property. According to Lyles and other witnesses, defendant Grant was present at the house, and Lyles and another witness both testified that Grant received a share of the stolen property.

Wade testified at trial on behalf of defendant Dothard. Wade testified that, contrary to the testimony of other witnesses, defendant Dothard was not involved in the planning or commission of the offense.

I. DEFENDANT GRANT'S APPEAL IN DOCKET NO. 298711

A. THE GREAT WEIGHT OF THE EVIDENCE

Defendant Grant argues that the trial court erred in denying his motion for a new trial based on the great weight of the evidence. A trial court's decision denying a motion for a new trial is reviewed for an abuse of discretion. *People v Blackston*, 481 Mich 451, 460; 751 NW2d 408 (2008).

Defendant Grant argues that his conviction for aiding and abetting first-degree home invasion is against the great weight of the evidence because it is dependent upon the testimony of Lyles, who admitted that she was under the influence of drugs and alcohol on the date of the offense to the point that her mind was "messed up," who admittedly lied when testifying at a prior investigative subpoena proceeding and at a preliminary examination, and whose testimony was inconsistent with testimony of other witnesses.

In *People v Musser*, 259 Mich App 215, 218-219; 673 NW2d 800 (2003), this Court summarized the standards for reviewing a motion for a new trial based on the great weight of the evidence:

The test to determine whether a verdict is against the great weight of the evidence is whether the evidence preponderates so heavily against the verdict that it would be a miscarriage of justice to allow the verdict to stand. *People v McCray*, 245 Mich App 631, 637; 630 NW2d 633 (2001). “Conflicting testimony, even when impeached to some extent, is an insufficient ground for granting a new trial.” *People v Lemmon*, 456 Mich 625, 647; 576 NW2d 129 (1998). “[U]nless it can be said that directly contradictory testimony was so far impeached that it ‘was deprived of all probative value or that the jury could not believe it,’ or contradicted indisputable physical facts or defied physical realities, the trial court must defer to the jury’s determination.” *Id.* at 645-646 (citation omitted).

“Absent exceptional circumstances, issues of witness credibility are for the trier of fact.” *People v Unger*, 278 Mich App 210, 232; 749 NW2d 272 (2008). “The hurdle that a judge must clear in order to overrule a jury and grant a new trial ‘is unquestionably among the highest in our law.’” *Id.*

A person who aids and abets the commission of a crime may be convicted as a direct principal. MCL 767.39. To find that a defendant aided and abetted a crime, the prosecution must show that (1) the crime charged was committed by the defendant or another person, (2) the defendant performed acts or gave encouragement that assisted in the commission of the crime, and (3) the defendant intended the commission of the crime or had knowledge that the principal intended its commission at the time he gave aid and encouragement. *People v Carines*, 460 Mich 750, 757; 597 NW2d 130 (1999). See also *People v Kevin Robinson*, 475 Mich 1, 6; 715 NW2d 44 (2006). An aider and abettor’s state of mind may be inferred from all of the facts and circumstances of the crime. *Carines*, 460 Mich at 757. Factors that can be considered include a close association between the principal and the defendant, the defendant’s participation in the planning or execution of the crime, and evidence of flight after the crime. *Id.* at 757-758.

Defendant Grant does not dispute that Lyles’s testimony, if believed, was sufficient to allow the jury to find that he encouraged the commission of the home invasion at Harper’s house by identifying Harper as the target of a robbery and asking Lyles to call Harper to meet with him, and threatening to end their relationship if she did not, for the purpose of carrying out the planned robbery. However, defendant Grant argues that Lyles’s testimony lacked any probative value because of her admitted drug and alcohol use on the date of the offense, her admitted history of lying, and inconsistencies between her testimony and the testimony of other witnesses.

While Lyles’s credibility was certainly an issue, all of the witnesses in the case had credibility problems. However, Lyles’s account was not so implausible or incredible that it could not be believed. Although Lyles stated that she had memory problems because of her drug use, she testified that she knew what was happening on the night of the offense. The evidence showed that despite Lyles’s admitted drug and alcohol use, she was able to successfully contact Harper and arrange to meet with him, and that Lyles accompanied Fullwood to Harper’s house

where they stayed for approximately an hour before Wade and defendant Dothard entered the house at gunpoint. The testimony describing Lyles's involvement in the execution of the planned offense allowed the jury to find that she was not so impaired that she was unable to recall the events of that evening. Further, although there were inconsistencies in the testimony, various aspects of Lyles's testimony were corroborated by independent evidence. Defendant Grant admitted in a statement to the police that he came across Harper's telephone number. In addition, Monica Hammand testified that defendant Grant was among the people who were going through the bags of items that were stolen from Harper's house. Also, Lyles testified that defendant Grant received some of the stolen jewelry and Curtis Barnett testified that defendant Grant received a ring. Although defendant Grant correctly asserts that his receipt of stolen property does not alone establish his guilt of home invasion, such evidence was probative of whether Lyles's account of defendant Grant's involvement in arranging and encouraging the home invasion was credible. In sum, Lyles's testimony was not so implausible or inherently incredible that it was deprived of all probative value or could not be believed. It was up to the jury to weigh Lyles's testimony against the other evidence and testimony to determine whether it was credible. The trial court did not abuse its discretion by deferring to the jury's determination. Thus, the court did not abuse its discretion in denying defendant Grant's motion for a new trial.

B. PROSECUTORIAL MISCONDUCT

Defendant Grant next argues that improper remarks by the prosecutor during closing and rebuttal arguments deprived him of a fair trial. Defendant Grant concedes that he did not object to any of the remarks that he now challenges on appeal, leaving this issue unpreserved. Unpreserved claims of prosecutorial misconduct are reviewed for plain error affecting defendant's substantial rights. *People v Abraham*, 256 Mich App 265, 274; 662 NW2d 836 (2003). Reversal is not warranted if the prejudicial effect of the prosecutor's comments could have been cured by a timely instruction from the trial court. *People v Joezell Williams II*, 265 Mich App 68, 71; 692 NW2d 722 (2005), *aff'd* 475 Mich 101 (2006).

Claims of prosecutorial misconduct are decided case by case and the challenged comments must be read in context. *People v McElhaney*, 215 Mich App 269, 283; 545 NW2d 18 (1996). The test for prosecutorial misconduct is whether the defendant was denied a fair trial. *People v Bahoda*, 448 Mich 261, 266-267; 531 NW2d 659 (1995).

A prosecutor is afforded great latitude during closing arguments. The prosecutor is permitted to argue the evidence and make reasonable inferences arising from the evidence in support of his theory of the case, but must refrain from making prejudicial remarks. *Id.* at 282-283. While prosecutors have a duty to see that a defendant receives a fair trial, they may use "hard language" when the evidence supports it, and they are not required to phrase their arguments in the blandest of terms. *People v Ullah*, 216 Mich App 669, 678; 550 NW2d 568 (1996). "A defendant's right to a fair trial may be violated when the prosecutor interjects issues broader than the guilt or innocence of the accused." *People v Rice (On Remand)*, 235 Mich App 429, 438; 597 NW2d 843 (1999).

Defendant Grant argues that the prosecutor improperly commented on his character when making the following emphasized remarks during closing argument:

You'll notice and most throughout this case we call people by their last names or their first and last or nickname, but it's always Dreshawn, Dreshawn, Dreshawn, poor Dreshawn. There's no poor Dreshawn here, ladies and gentlemen. *The evidence clearly establishes that even though his part was only to select the target and to coerce Ms. Lyles into making that call, the only thing I'd say about that is maybe he was the slickest one and he had the most control over his woman.* Because he clearly benefited from the work that they did in this. That doesn't make him innocent that he was slick enough to not have to do the dirty part of it.

* * *

He [defendant Grant] denies that he ever saw Jamal, but other evidence corroborates that he did. He denies that he had anything to do with these bags of items that were brought in from the truck, but he - the important thing is he corroborates part of what happened in this case. He corroborates just about everything except for what would get him in trouble. And you need to think about why that is. Because he's the brains in this operation. *He knows how to get his part of this by having his woman, I'm sure he calls her a different word --* And he knows how to try to get out of what he's done by trying to be slick with the police at first saying hey, I don't know anything about it. And then the second time telling on everybody else, but just not telling on himself. [Emphasis added.]

The first comments, referring to defendant Grant's ability to control Lyles, were not improper because they are supported by the evidence. According to witnesses, it was Lyles who contacted Harper to arrange to meet with him for the purpose of setting him up to be robbed. According to Lyles, it was defendant Grant who first identified Harper as a target, and defendant Grant threatened to end his relationship with her if she did not contact him. Although others also encouraged Lyles to contact Harper, the evidence supports the prosecutor's argument that defendant Grant used his control over Lyles, by threatening to end their relationship, to persuade her to follow through and contact him.

The second challenged comment, suggesting that defendant Grant used some undisclosed term to refer to Lyles, was consistent with testimony about how he treated Lyles. Even if the statement was not necessary, it did not affect defendant Grant's substantial rights because it was an isolated, fleeting comment that was not directly material to defendant Grant's guilt or innocence. Moreover, a timely objection and cautionary instruction from the trial court could have cured any perceived prejudice. Therefore, the comment does not entitle defendant Grant to appellate relief.

Defendant Grant also argues that the prosecutor improperly attacked his character through the following comments made during rebuttal argument:

Now according to Mr. Kolodziejski [defendant Grant's attorney], the way that you know that Treisa Lyles just wanted to get Dreshawn Grant and push this on him is because they had broken up and she was upset because he was seeing somebody else. Come on now. This is not Romeo and Juliette [sic] we're talking

about here, ladies and gentlemen. She's screwing everybody under the sun, probably he is, too. And that's not a motive for her to tell on him and to make something up on him. Because even in the beginning she told you she tried not to tell on the others. That's a red herring, that's a smoke screen.

A prosecutor is entitled to fairly respond to issues raised by defense counsel. *People v Jones*, 468 Mich 345, 352-353 n 6; 662 NW2d 376 (2003). It is apparent that the prosecutor's challenged comments were responsive to the following remarks by defense counsel in his closing argument:

Now as we both talked about Treisa has made several contradicting statements in this case, and I think it might, you might find it helpful to go along a time line, go in chronological order. And the first statement that she ever made about this case was to the police was to Officer Brooks on March 5th of 2009. And in that statement she told the police that Le Le set it up.

Then about three months after that in June 2009, you heard that she broke up with Dreshawn because she thought that Dreshawn was going out with another girl. The [sic] she gives a second statement to the police what about a month later, in July, July 17th. And in that second statement to the police and in the investigative subpoena she doesn't say that Elesha sets it up. For the first time now it's all of a sudden Dreshawn's idea.

The prosecutor's comment referring to Lyles's promiscuity was supported by testimony that Lyles had a sexual relationship with Curtis Barnett, apparently while she was still involved with defendant Grant. Where defense counsel had argued that Lyles was motivated to falsely accuse defendant Grant because of their broken relationship, it was not improper for the prosecutor to refer to evidence suggesting that Lyles was not truly committed to defendant Grant to rebut that argument. The reference to defendant Grant's promiscuity was a brief comment. Even if that remark could be considered improper, it did not affect defendant Grant's substantial rights, particularly considering that defense counsel had argued that Lyles was upset that defendant Grant was seeing another woman, which gave her a motive to falsely accuse him of being involved in the charged offense. Further, a timely objection could have cured any possible prejudice. Accordingly, appellate relief is not warranted.

II. DEFENDANT DOTHARD'S APPEAL IN DOCKET NO. 299237

A. SUFFICIENCY OF THE EVIDENCE AND GREAT WEIGHT OF THE EVIDENCE

Defendant Dothard argues that there was insufficient evidence of malice to support his felony-murder conviction. Defendant Dothard alternatively argues that his felony-murder conviction is against the great weight of the evidence. Although defendant Dothard's failure to move for a directed verdict does not preclude his appellate challenge to the legal sufficiency of the evidence, *People v Wolfe*, 440 Mich 508, 516 n 6; 489 NW2d 748 (1992), amended 441 Mich 1201 (1992), his failure to challenge the great weight of the evidence in a motion for a new trial limits our review of that issue to plain error affecting defendant Dothard's substantial rights. *Musser*, 259 Mich App at 218.

The elements of felony murder are (1) the killing of a human, (2) with the intent kill, to do great bodily harm, or to create a very high risk of death or great bodily harm with knowledge that death or great bodily harm was the probable result, (3) while committing, attempting to commit, or assisting in the commission of any of the felonies specified in the statute. *People v Bobby Smith*, 478 Mich 292, 318-319; 733 NW2d 351 (2007). Defendant Dothard was convicted of felony-murder under an aiding and abetting theory. A defendant need not participate in the actual killing to be guilty of aiding and abetting felony murder, but must have the requisite malice for felony murder. *Carines*, 460 Mich at 769-771. However, he need not have the same malice as the principal. *People v Kevin Robinson*, 475 Mich 1, 14; 715 NW2d 44 (2006). Malice for felony murder requires evidence that the defendant acted with the intent to kill, the intent to do great bodily harm, or the intent to create a high risk of death or great bodily harm with knowledge that death or great bodily harm is the probable result. *People v Bulls*, 262 Mich App 618, 624; 687 NW2d 159 (2004). Malice can be inferred from the use of a deadly weapon. *Id.* at 627. “[I]f an aider and abettor participates in a crime with knowledge of the principal’s intent to kill or to cause great bodily harm, the aider and abettor is acting with ‘wanton and willful disregard’ sufficient to support a finding of malice.” *People v Riley (After Remand)*, 468 Mich 135, 141; 659 NW2d 611 (2003).

Lyles testified that she was reluctant to contact Harper, but that defendant Dothard told her four or five times to call him to set up the planned robbery. Fullwood similarly testified that defendant Dothard was involved in planning the robbery. The testimony of Lyles and Fullwood also indicated that defendant Dothard participated in the offense by entering Harper’s house and threatening him with a gun. According to Fullwood, Wade became angry at one point when he discovered that Harper had lied about not having any money, so Wade fired his gun at the floor. Lyles also testified that defendant Dothard said to Harper, “I know you,” just before Wade and defendant Dothard took Harper to the basement, and that both Wade and defendant Dothard said something to Harper before taking him to the basement as guns were pointed at his back. Lyles heard all of the men arguing while they were in the basement. According to Fullwood, Wade came upstairs to ask if they should shoot Harper and Lyles told him to do so because Harper knew her. Harper was thereafter shot while in the basement, and Wade admitted shooting him. There was also testimony that defendant Dothard helped collect items from Harper’s home and that he received some of the stolen property.

Although Wade testified that defendant Dothard was not involved in the offense, the testimony of both Lyles and Fullwood was sufficient to allow the jury to find that defendant Dothard was a participant. With regard to defendant Dothard’s malice, the testimony of Lyles and Fullwood that defendant Dothard was involved in the planning of the offense, went to Harper’s house armed with a gun, fully participated in the robbery, and, after observing Wade fire his gun inside the house, assisted Wade in bringing Harper to the basement where Harper was eventually shot, viewed in a light most favorable to the prosecution, was sufficient to enable the jury to find that defendant Dothard, at a minimum, acted in wanton and willful disregard of the likelihood that death or great bodily harm was a probable result of the group’s concerted conduct. Thus, there was sufficient evidence of malice to support defendant Dothard’s felony-murder conviction. *Bull*, 262 Mich App at 626-627.

Defendant Dothard also argues that the jury’s verdict on the felony-murder count is against the great weight of the evidence, largely because of Lyles’s credibility and memory

problems. As previously discussed, while there were problems with Lyles's credibility, her testimony was not so implausible or inherently incredible that it was deprived of all probative value or could not be believed. Defendant Dothard also asserts that his remaining convictions are against the great weight of the evidence, but he does not offer any explanation for why the evidence preponderates heavily against the jury's verdicts. To the extent his argument is based on the differences in the testimony of Wade, who denied that defendant Dothard was involved in the offense, and the testimony of Lyles and Fullwood, who both indicated that Wade fully participated in the offense, those differences were for the jury to resolve. The evidence did not preponderate so heavily against the jury's verdicts that it would be a miscarriage of justice to allow the verdicts to stand. Thus, defendant Dothard's convictions are not against the great weight of the evidence.

B. REMOVAL OF APPOINTED COUNSEL

Defendant Dothard next argues that the trial court erred by failing to appoint new counsel, or by failing to at least inquire into the status of his relationship with his attorney. We disagree. In *People v Bauder*, 269 Mich App 174, 193; 712 NW2d 506 (2005), this Court explained:

An indigent defendant is guaranteed the right to counsel; however, he is not entitled to have the attorney of his choice appointed simply by requesting that the attorney originally appointed be replaced. Appointment of a substitute counsel is warranted only upon a showing of good cause and where substitution will not unreasonably disrupt the judicial process. Good cause exists where a legitimate difference of opinion develops between a defendant and his appointed counsel with regard to a fundamental trial tactic. *Id.*, quoting *People v Mack*, 190 Mich App 7, 14; 475 NW2d 830 (1991). *People v Williams*, 386 Mich 565, 574; 194 NW2d 337 (1972). When a defendant asserts that the defendant's assigned attorney is not adequate or diligent, or is disinterested, the trial court should hear the defendant's claim and, if there is a factual dispute, take testimony and state its findings and conclusion on the record. *People v Ginther*, 390 Mich 436, 441-442; 212 NW2d 922 (1973).

In this case, the record indicates that, before the start of trial, defense counsel advised the trial court that defendant Dothard's family had inquired about having defense counsel replaced. However, there is no indication that defendant Dothard joined in that request, and there is no record of defendant Dothard ever personally expressing dissatisfaction with defense counsel or requesting new counsel. Absent any claim of dissatisfaction or request for new counsel by defendant Dothard, the trial court was not obligated to inquire into the status of the attorney-client relationship, and there was no basis for appointing new counsel. Therefore, we reject this claim of error.

C. INEFFECTIVE ASSISTANCE OF COUNSEL

Defendant Dothard next argues that the prosecutor improperly vouched for the credibility of witnesses Lyles and Fullwood by eliciting that their plea agreements required them to provide truthful testimony, and that defense counsel was ineffective for failing to object to the

prosecutor's misconduct. Defendant Dothard concedes that he did not raise this ineffective assistance of counsel issue in the trial court. Therefore, this Court's review is limited to mistakes apparent from the record. *People v Matuszak*, 263 Mich App 42, 48; 687 NW2d 342 (2004). To establish ineffective assistance of counsel, defendant Dothard must show that counsel's performance fell below an objective standard of reasonableness, and that the representation so prejudiced defendant that he was denied his right to a fair trial. *People v Pickens*, 446 Mich 298, 338; 521 NW2d 797 (1994). To establish prejudice, defendant Dothard must show that there is a reasonable probability that, but for counsel's error, the result of the proceeding would have been different. *People v Johnnie Johnson, Jr*, 451 Mich 115, 124; 545 NW2d 637 (1996).

First, the record does not support defendant Dothard's claim that the prosecutor elicited from Lyles that her plea agreement required her to testify truthfully. Rather, that testimony was elicited by defense counsel during his cross-examination of Lyles concerning the terms of her plea agreement. With respect to Fullwood, the record discloses that the prosecutor merely asked whether "part of your agreement is to provide truthful testimony in this case?," to which she responded, "Yes."

A prosecutor may not vouch for the credibility of his witnesses by suggesting that he has some special knowledge of the witnesses' truthfulness. *Bahoda*, 448 Mich at 276. However, mere reference to a plea agreement that contains a promise of truthfulness does not convey a message that the prosecutor has some special knowledge that any testimony the witness provides will be truthful. *Id.* at 276-277. Therefore, such questioning is not improper. *Id.* In this case, the prosecutor did no more than elicit that Fullwood's plea agreement required her to provide truthful testimony. The prosecutor did not suggest that he had some special knowledge, unknown to the jury, that Fullwood's testimony was indeed truthful. Accordingly, there was no error and defense counsel was not ineffective for failing to object.

D. PROSECUTOR'S CROSS-EXAMINATION OF WADE

Defendant Dothard lastly argues that the trial court erred by allowing the prosecutor to cross-examine Wade about other crimes. We review the trial court's decision to allow the cross-examination for an abuse of discretion. *People v Layher*, 464 Mich 756, 761; 631 NW2d 281 (2001).

On cross-examination, the prosecutor was permitted to elicit from Wade that in addition to pleading guilty of second-degree murder in this case, he also pleaded guilty to second-degree murder in two other cases and would be required to serve a minimum sentence of 40 years for second-degree murder and a five-year term for a second felony-firearm conviction. Wade testified that he did not believe he would have to serve his full 40-year minimum sentence because he would receive good-time credits that would make him eligible for release sooner. The prosecutor then questioned Wade about a hostage situation in which he shot at the police.

Defendant Dothard argues that the evidence of his other crimes was not admissible for impeachment under MRE 609, which governs impeachment by evidence of a prior criminal conviction. The prosecutor does not dispute that the challenged testimony was not admissible under MRE 609, but argues that the testimony was not offered under that rule and that the

testimony was relevant and admissible to show Wade's motivation and bias for testifying, independent of MRE 609. We agree.

“Evidence that is admissible for one purpose is not inadmissible because its use for a different purpose is precluded.” *People v Coleman*, 210 Mich App 1, 5; 532 NW2d 885 (1995). The credibility of a witness is always important and evidence of a witness's motivation for testifying is highly relevant to the witness's credibility. *People v McIntire*, 232 Mich App 71, 102; 591 NW2d 231 (1998), rev'd on other grounds 461 Mich 147 (1999). In *Layher*, 464 Mich at 763, our Supreme Court quoted with approval the following passage from *United States v Abel*, 469 US 45, 52; 105 S Ct 465; 83 L Ed 2d 450 (1984):

“Bias is a term used in the “common law of evidence” to describe the relationship between a party and a witness which might lead the witness to slant, unconsciously or otherwise, his testimony in favor of or against a party. Bias may be induced by a witness' like, dislike, or fear of a party, or by the witness' self-interest. Proof of bias is almost always relevant because the jury, as finder of fact and weigher of credibility, has historically been entitled to assess all evidence which might bear on the accuracy and truth of a witness' testimony.”

Under MRE 611, a trial court has broad discretion to admit evidence of bias during cross-examination. *Layher*, 464 Mich at 765.

In this case, Wade's additional plea-based murder convictions arose from a global plea agreement that included this case as well. Thus, they were relevant to the jury's full understanding of Wade's agreement in this case. Wade's plea agreement was also relevant to his possible bias and motivation for accepting full responsibility for Harper's murder and for testifying that defendant Dothard was not involved in the offense, contrary to the testimony of other witnesses. As the prosecutor pointed out, Wade's testimony concerning his criminal convictions and lengthy imprisonment showed that he had nothing to lose by accepting sole responsibility for Harper's murder. In addition, because Wade had volunteered that he believed that he would qualify for good-time credits to make him eligible for release from prison before fully serving his minimum term, he opened the door to the prosecutor's questioning about other crimes to rebut the implication that he was a likely candidate for early release. Accordingly, the trial court did not abuse its discretion in permitting the challenged line of questioning.

Affirmed.

/s/ Kirsten Frank Kelly
/s/ David H. Sawyer
/s/ Amy Ronayne Krause