S T A T E O F M I C H I G A N

C O U R T O F A P P E A L S

PEOPLE OF THE STATE OF MICHIGAN, Plaintiff-Appellee,	UNPUBLISHED June 16, 2005
v	No. 254484 Kent Circuit Court
JON DONALD SIESLING, Defendant-Appellant.	LC No. 03-004560-FC

Before: Hoekstra, P.J., and Jansen and Kelly, JJ.

PER CURIAM.

Following a jury trial, defendant was convicted of three counts of first-degree murder, MCL 750.316, for which he was sentenced to concurrent terms of life imprisonment without the possibility of parole. Defendant appeals as of right. We affirm.

Defendant's convictions arise from the brutal beating and stabbing deaths of his mother and two younger sisters. At trial, defendant did not dispute that he had perpetrated the killings but denied criminal responsibility for the deaths, asserting the affirmative defense of legal insanity. In his sole issue on appeal, defendant argues that the trial court abused its discretion by admitting the testimony of two forensic psychologists concerning defendant's mental status beyond whether he was mentally ill or legally insane. Specifically, defendant asserts that the admission of such testimony was inappropriate under the insanity statute, MCL 768.20a, and likely served to confuse or otherwise unfairly "pre-dispose" the jurors to discount the proper focus and inquiry of his defense, i.e., defendant's mental condition at the time of the killings. We disagree.

This Court reviews a trial court's decision regarding the admissibility of testimony from an expert witness for an abuse of discretion. *People v Matuszak*, 263 Mich App 42, 47; 687 NW2d 342 (2004). An abuse of discretion occurs when an unprejudiced person, considering the facts on which the trial court acted, would conclude that there was no justification or excuse for the ruling made. *People v Murray*, 234 Mich App 46, 52; 593 NW2d 690 (1999). The critical inquiry with regard to expert testimony is whether the testimony at issue will aid the factfinder in making the ultimate decision in the case. *People v Ackerman*, 257 Mich App 434, 445; 669 NW2d 818 (2003).

MCL 768.20a concerns insanity as a defense in a felony case and, in part, requires that a defendant undergo and fully cooperate with an examination by qualified personnel. The portion

of the statute specifically relied on by defendant, MCL 768.20a(6), provides that the examiner must prepare and submit a written report that includes his findings, the facts on which he based his findings, and his opinion regarding whether the defendant was mentally ill and/or legally insane at the time of the alleged crime. Defendant argues that although it is clear that the statute permits the opinion of the examiner with respect to whether the defendant was legally insane or mentally ill at the time of the offense, the trial court abused its discretion by permitting the experts to expound on this testimony by offering their opinion that defendant suffered from an antisocial personality disorder, after they had opined that he was not mentally ill or legally insane.

The sole authority cited by defendant in support for this argument is *People v Webb*, 458 Mich 265; 580 NW2d 884 (1998). In *Webb*, the defendant asserted an insanity defense after shooting and killing his father and his father's friend. *Id*. at 267. The defendant was found not guilty of his father's murder by reason of insanity and guilty, but mentally ill, of second-degree murder of his father's friend. *Id*. at 272. During the trial, the trial court limited the testimony of defendant's expert witness to his clinical findings and facts included in the expert's written report. *Id*. at 271. Our Supreme Court ultimately found that the trial court erred in limiting the expert's testimony in a manner that attempted to preclude testimony concerning the basis for his opinion. *Id*. at 277-278. However, the Court affirmed the defendant's convictions after finding that, because of the tenacity of the defendant's expert and his repeated testimony pushing the limitation placed on him, the trial court's error was harmless. *Id*. at 279. We find defendant's reliance on *Webb* to be misplaced.

Defendant is correct that in deciding *Webb,* the Court found that "to protect the integrity of the decisional process, . . . appropriate limits can be placed on the testimony of a psychiatric expert." *Id*. at 277. The Court also found, however, that while MCL 768.20a(6) outlines the requirements of a testifying expert's report, the statute is silent regarding the scope of the expert's testimony at trial. *Id*. at 275. Moreover, defendant's interpretation of *Webb* neglects the Supreme Court's finding that the trial court's limitation in that case was too severe. *Id*. at 277. While defendant attempts to distinguish the present case from *Webb* on the ground that the expanded testimony at issue here frustrated the public policy reasons behind the statute, i.e., "to prevent surprise of opposing counsel and to protect the integrity, accuracy, and credibility of the evidence of insanity," we do not agree that the testimony at issue frustrated these public policy concerns. See *id*. at 276-277. Indeed, defendant was well aware of the prosecutor's intention to rebut his insanity defense, and does not expressly claim that he was unaware of the experts' finding that he suffered from an antisocial personality disorder. Furthermore, the experts' testimony regarding their complete opinions as to defendant's mental state served to support the integrity, accuracy, and credibility of the evidence. The challenged testimony served to explain to the jury why, in the face of such brutal, horrific crimes against his family, the experts nonetheless made the determination that defendant was not legally insane at the time of the murders. Without a full explanation of the experts' reasoning, the accuracy and credibility of this evidence is suspect because the jury is left with an incomplete picture of defendant's mental state. Because understanding the basis and reasoning for an expert's opinion necessarily affects the opinion's reliability, there is justification for the trial court's admission of this testimony. *Murray*, *supra*; *Ackerman*, *supra*. Consequently, the trial court did not abuse its discretion by admitting that testimony at trial.

Affirmed.

/s/ Joel P. Hoekstra
/s/ Kathleen Jansen
/s/ Kirsten Frank Kelly