

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MANSON JACKSON,

Defendant-Appellant.

UNPUBLISHED

December 6, 1996

No. 182190

LC No. 93-007144

Before: Taylor, P.J., and Markman and P. J. Clulo,* JJ.

PER CURIAM.

Following a bench trial, defendant was convicted in a bench trial of voluntary manslaughter, MCL 750.321; MSA 28.553, and possession of a firearm during the commission of a felony, MCL 750.227b; MSA 28.424(2). He was sentenced to two to fifteen years' imprisonment for the manslaughter conviction, to run consecutively to a mandatory two-year term for the felony-firearm conviction. Defendant appeals as of right. We affirm.

Defendant argues that the trial court failed to articulate clear findings of fact as required by MCR 6.403. Defendant maintains that the trial court's findings of fact were insufficient because they failed to explain precisely why his self-defense argument failed. The purpose of MCR 6.403 is to facilitate appellate review. *People v Shields*, 200 Mich App 554, 559; 504 NW2d 711 (1993). Findings of fact are sufficiently clear if it appears from the record that the trial court was aware of the issues and correctly applied the law. *People v Legg*, 197 Mich App 131, 134; 494 NW2d 797 (1992).

It is apparent from the court's findings that it considered defendant's self-defense argument. Specifically, the court alluded to the history of "bad blood" between defendant and the deceased, the possibility that the killing may have been precipitated by an attack on defendant by the deceased, the disparity in size between defendant and the victim, and the fact that defendant was in poor health. It is also apparent from the record that the court correctly applied the law. Defendant's own statement

* Circuit judge, sitting on the Court of Appeals by assignment.

suggests he shot the deceased simply because he was tired of being harassed. Because the evidence is sufficient to support a finding of manslaughter over defendant's argument of self-defense, see *infra*, further fact-finding is unnecessary to aid appellate review. See *Shields, supra* at 559. We hold that the trial court's findings of fact were sufficient.

Defendant also argues that the evidence presented at trial was insufficient to convict him of voluntary manslaughter. When reviewing the sufficiency of the evidence in a criminal case, this Court must view the evidence in a light most favorable to the prosecution and determine whether a rational trier of fact could have found the essential elements of the crime proven beyond a reasonable doubt. *People v Wolfe*, 440 Mich 508, 515; 489 NW2d 748, amended 441 Mich 1201-1202 (1992).

At trial, defendant argued that the shooting was justified as self-defense. To justify a killing as self-defense, a defendant must have honestly and reasonably believed that he was in imminent danger of death or serious bodily injury. *People v Heflin*, 434 Mich 482, 502; 456 NW2d 10 (1990). When a defendant introduces evidence of self-defense, the prosecution must prove beyond a reasonable doubt that the defendant did not act in self-defense. *People v Fortson*, 202 Mich App 13, 20; 507 NW2d 763 (1993). Viewed in a light most favorable to the prosecution, the record contains ample evidence from which a rational trier of fact could reject defendant's self-defense argument: (1) defendant placed the rifle used in the shooting by his bedside in anticipation of trouble; (2) defendant intended to only scare the deceased; (3) there was evidence that the shooting occurred only seconds after the deceased came into defendant's presence; (4) there was no indication of close range firing; (5) the deceased did not threaten defendant, but only said he was going to "take that little thing away," (referring to the rifle); (6) no weapon was found near the deceased; and, (7) although the deceased had bullied defendant in the past, there was no indication that he posed a threat to defendant at the time of the shooting. A rational trier of fact could have found beyond a reasonable doubt that defendant fired the shot without honestly and reasonably believing that he was in imminent danger of death or serious bodily harm. Therefore, we hold that the evidence was sufficient to support defendant's convictions.

Finally, defendant argues that the trial court's finding regarding defendant's claim of self-defense was clearly erroneous. Because this argument was not raised in the statement of the question presented section of defendant's brief on appeal, it is not properly before this Court. *People v Yarbrough*, 183 Mich App 163, 165; 454 NW2d 419 (1990). In any event, this argument is without merit. A trial court's finding of fact will not be disturbed unless it is clearly erroneous. *People v Gistover*, 189 Mich App 44, 46; 472 NW2d 27 (1991); MCR 2.613(C). We will not reverse unless our review of the entire record leaves us with a definite and firm conviction that a mistake has been made. *Id.* Because the trial court's findings of fact are adequately supported by the evidence in the record, we are not left with a definite and firm conviction that a mistake has been made.

Affirmed.

/s/ Clifford W. Taylor
/s/ Stephen J. Markman
/s/ Paul J. Clulo

