

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellant,

v

RONALD FINLEY,

Defendant-Appellee.

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UNPUBLISHED

March 18, 1997

No. 199871

Wayne Circuit Court

LC No. 96-632357-AR

Before: Markman, P.J., and Reilly and Young, JJ.

MEMORANDUM.

In lieu of granting or denying the application, we have opted to issue this peremptory opinion. *Herron v Biggies Wolf Den*, 201 Mich App 599, 600; 506 NW2d 906 (1993); *Kerby v Judges Retirement Board*, 166 Mich App 302, 303; 420 NW2d 195 (1988). The Court orders that the circuit court order finding MCL 750.234e; MSA 28.431(5) unconstitutional for vagueness is reversed and this case is remanded for further proceedings in accordance with this order. Statutes are accorded a strong presumption of validity; we are required to construe them as constitutional absent a clear showing of unconstitutionality. *People v White*, 212 Mich App 298, 309; 536 NW2d 876 (1995). “[A] statute is not vague when the meaning of the words in controversy can be fairly ascertained by reference to judicial determinations, the common law, dictionaries, treatises, or even the words themselves, if they possess a common and generally accepted meaning.” *Michigan State AFL-CIO Michigan Employment Relations Comm*, 212 Mich App 472, 499; 538 NW2d 433 (1995), affirmed in part 453 Mich 362; 551 NW2d 165 (1996). See also *People v Vezina*, 217 Mich App 148, 151; 550 NW2d 613 (1996). Here, the meaning of the term “brandish” can be fairly ascertained by reference to dictionary definitions. Accordingly, § 234e is not unconstitutionally vague and the trial court erred in setting aside defendant’s conviction and dismissing the charges against him on this basis. We do not retain jurisdiction.

/s/ Stephen J. Markman

/s/ Maureen Pulte Reilly

/s/ Robert P. Young, Jr.