

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

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

EDWARD ARMSTRONG,

Defendant-Appellant.

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UNPUBLISHED

April 8, 1997

No. 186284

Recorder's Court

LC No. 92-014207

Before: Holbrook, Jr. P.J, and White, and S. J. Latreille\*, JJ.

MEMORANDUM.

Following a bench trial, defendant was found guilty but mentally ill, MCL 768.36; MSA 28.1059, of assault with intent to commit great bodily harm less than murder, MCL 750.84; MSA 28.279, armed robbery, MCL 750.529; MSA 28.797, and possession of a firearm during the commission of a felony, MCL 750.227b; MSA 28.424(2). Defendant was sentenced to five to ten years for the assault conviction, five to fifteen years for the armed robbery conviction, and two years for the felony-firearm conviction. Defendant appeals as of right. We affirm.

Defendant first contends that the trial court erred by allowing the prosecution to reopen its proofs without a showing that the evidence was newly discovered and material. We disagree.

Whether viewed as rebuttal evidence or evidence admitted upon a reopening of the proofs, we conclude that the court did not abuse its discretion in allowing the challenged testimony after defendant "opened the door" to testimony regarding the medicine he was given while incarcerated in the Wayne County Jail by introducing the jail medical records. The use of defendant's medical records prior to the shooting incident provided context to help the witness explain why defendant may have been prescribed various medications while he was incarcerated. MRE 703; *People v King*, 210 Mich App 425, 433; 534 NW2d 534 (1995).

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

Further, defendant has failed to show how the prosecution gained an unfair advantage or that defendant was surprised or prejudiced. *People v Keeth*, 193 Mich App 555, 560; 484 NW2d 761 (1992); *People v Collier*, 168 Mich App 687, 694-695; 425 NW2d 118 (1988). Moreover, the trial court gave defendant an opportunity to challenge the additional testimony and defendant attempted to do so with the very doctor who prescribed the medications while defendant was incarcerated. Accordingly, we conclude defendant has demonstrated no prejudice requiring reversal.

Defendant next argues that the trial court erred when it denied his motion for a new trial because (1) the court failed to sufficiently state its findings of fact and conclusions of law, (2) the findings of fact which the court did make were clearly erroneous, (3) the verdict was against the great weight of the evidence, and (4) a miscarriage of justice occurred. Because defendant failed to advance any argument with respect to the latter three contentions, we need not address those arguments. *People v Anderson*, 209 Mich App 527, 538; 531 NW2d 780 (1995). Additionally, because the record reveals that the trial court was aware of the relevant issue in the case -- defendant's criminal responsibility at the time he committed the offense -- and the court correctly applied the law, we conclude that the trial court's findings of fact were sufficient. *People v Smith*, 211 Mich App 233, 235; 535 NW2d 248 (1995).

Affirmed.

/s/ Donald E. Holbrook, Jr.

/s/ Helene N. White

/s/ Stanley J. Latreille