

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MICHAEL RIMSON,

Defendant-Appellant.

UNPUBLISHED

July 3, 2001

No. 221708

Wayne Circuit Court

Criminal Division

LC No. 98-008139

Before: Sawyer, P.J., and Griffin and O’Connell, JJ.

PER CURIAM.

Defendant was convicted by a jury of first-degree felony murder, MCL 750.316, in the screwdriver-stabbing death of decedent, Chenguang Wang, a researcher at Wayne State University. Defendant was sentenced to a mandatory term of life imprisonment. He appeals as of right. We affirm.

First, defendant argues that, under the corpus delicti rule, because his own statements provided the only evidence of the underlying felony of larceny, there was insufficient evidence to support his conviction for felony murder. The purpose of the corpus delicti rule is to guard against convictions for a crime when none was committed by requiring a showing, independent of an accused’s statement, that a crime has been committed. *People v Emerson (After Remand)*, 203 Mich App 345, 347; 512 NW2d 3 (1994). As defendant acknowledges, the corpus delicti rule is satisfied in prosecutions of first-degree felony murder by showing that a death has occurred as a result of some criminal agency. *Id.*, citing *People v Hughey*, 186 Mich App 585, 589; 464 NW2d 914 (1990). Here, there was evidence independent of defendant’s confession that Wang was killed by a stabbing wound to his neck, fully satisfying the corpus delicti rule. We are bound by the decisions in *Emerson* and *Hughey*, MCR 7.215(I)(1), and decline defendant’s suggestion that we reject their interpretation of the corpus delicti rule.

Defendant also argues that the jury was improperly instructed because, although the trial court instructed on reasonable doubt and on the elements of the possible verdicts, it did not specifically state that each element of the charged offense must be proven beyond a reasonable doubt. In addition to its oral instructions, however, the trial court sent a copy of the jury instructions into the jury room with the jurors, and those instructions specifically stated that “the prosecutor must prove each of the following elements beyond a reasonable doubt.” Considered

as a whole, the instructions fairly presented the issues for trial and sufficiently protected defendant's rights. *People v Canales*, 243 Mich App 571, 574; 624 NW2d 439 (2000).

Affirmed.

/s/ David H. Sawyer
/s/ Richard Allen Griffin
/s/ Peter D. O'Connell