

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

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

WILLIE LEE BROOKS,

Defendant-Appellant.

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UNPUBLISHED

February 22, 2005

No. 249021

Muskegon Circuit Court

LC No. 02-048156-FC

Before: Griffin, P.J., and Wilder and Zahra, JJ.

GRIFFIN, P.J. (concurring).

I join in the lead opinion. However, I write separately to state my view that the trial court properly denied defendant's request for a jury instruction on self-defense.

It is well settled that “when a jury instruction is requested on any theories or defenses and is supported by evidence, it must be given to the jury by the trial judge.” *People v Mills*, 450 Mich 61, 81; 537 NW2d 909 (1995). In the present case, defendant's sole theory was that he did not shoot the victim. No evidence was submitted by either party from which it could be rationally concluded that defendant shot the victim while acting in self-defense. For this reason, I would hold that the trial judge properly denied defendant's request for a jury instruction.

/s/ Richard Allen Griffin