

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

LANAE M. WESSON,

Defendant-Appellant.

UNPUBLISHED

July 27, 2001

No. 224821

Wayne Circuit Court

LC No. 98-007364

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

MEMORANDUM.

Defendant appeals as of right her bench trial conviction for manslaughter, MCL 750.321. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant's conviction arises out of the killing of her husband. Officers responding to the scene found the victim dead on the kitchen floor, surrounded by water, food, and other debris. Defendant showed no visible injuries, and her clothing did not appear to be wet. She testified that the victim had attacked her and thrown her on the floor. She was able to get up, but the victim lunged at her again and she stabbed him. Defendant admitted she had been arguing with her husband, and she was angry at the time of the stabbing.

Defendant argues that the trial court clearly erred in rejecting her claim of self-defense. A trial court's findings of fact are reviewed for clear error. MCR 2.613(C). A finding is clearly erroneous when the reviewing court is left with a definite and firm conviction that a mistake has been made. *People v Edward*, 225 Mich App 455; 571 NW2d 536 (1997).

To establish a claim of self-defense, a defendant must have an honest and reasonable belief that her life was in imminent danger or there was a threat of serious bodily harm. *People v Heflin*, 434 Mich 482, 502; 456 NW2d 10 (1990). The force used must be limited to the degree necessary to protect herself from the danger, and defendant must not have acted wrongfully in bringing on the assault. CJI2d 7.22.

The trial court did not clearly err in rejecting defendant's claim of self-defense. Defendant admitted that she was angry at the time of the incident. Although the kitchen floor had water on it, police officers testified that defendant's clothing was not wet, even though she testified that the victim had her pinned to the floor twice. Officers did not observe any signs of

injury on defendant. Defendant's testimony did not show that she reasonably believed she was in danger of death or serious bodily harm at the time of the stabbing.

Affirmed.

/s/ Kurtis T. Wilder

/s/ Harold Hood

/s/ Richard Allen Griffin