

COA Opinion: Trial court did not err when admitting prior domestic violence acts at trial for third offense

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On February 15, 2011, the Court of Appeals published an opinion in *People v Cameron*, No. 293119, after having originally released it as an unpublished decision. The Court affirmed the conviction of the defendant on a third-offense domestic violence charge, rejecting the defendant's appeal arguments. Most interesting was the Court's affirmation of the trial court's decision to allow the prosecution to introduce evidence of prior bad acts of domestic violence by the defendant. The opinion can be found [here](#).

The Court of Appeals held that it was not an abuse of discretion to allow into evidence testimony about prior domestic assaults on Ms. Yacheson, the victim in this case, and previous attacks on another ex-girlfriend. MCL 768.27b specifically contemplates that prior domestic assault evidence is admissible unless it fails to meet Rule 403 standards. The Court of Appeals held that the Legislature intended for such evidence to be admissible to give a full and complete picture of the defendant and shed light on the likelihood that a domestic assault was committed in the charged instance.

Because the trial court gave the necessary instruction that the jury was only to decide whether the defendant committed a crime in this instance, the Court of Appeals was satisfied that any potential unfair prejudice was sufficiently mitigated. The Court of Appeals also agreed with the trial court that to the extent that the defendant wished to argue that touching of Ms. Yacheson was an "accident," prior acts were sufficiently probative to outweigh any unfair prejudice.

The defendant also raised arguments that the evidence was insufficient to support a conviction, and that the verdict itself was against the great weight of the evidence. These are not usually winning arguments, and they were not here.