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STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN, Plaintiff-Appellee, v TREQUAN RIDDLE, Defendant-Appellant.	UNPUBLISHED January 08, 2026 2:18 PM No. 369716 Marquette Circuit Court LC No. 2022-061717-FC

Before: CAMERON, P.J., and KOROBKIN and BAZZI, JJ.

PER CURIAM.

Defendant, Trequan Riddle, appeals by right following his conviction by a jury of first-degree arson, MCL 750.72. The trial court, applying a second-offense habitual offender enhancement under MCL 769.10, sentenced defendant to 18 to 30 years' imprisonment. On appeal, defendant, through counsel, contends that the prosecution presented insufficient evidence to support the *mens rea* element of first-degree arson. In a supplemental brief filed *in propria persona*, defendant argues that his sentence was disproportionate, that he received ineffective assistance of counsel, that the trial court improperly limited the cross-examination of three witnesses, that the trial court improperly allowed footage of the fire to be played for the jury, that defendant was not in his right mind at the time of the offense, that a mental health administrator mistreated him, and that the proceedings were biased against him. For the reasons stated in this opinion, we disagree with defendant's arguments on appeal and therefore affirm.

I. SUFFICIENCY OF THE EVIDENCE

The evidence presented at trial reflects that defendant, who was incarcerated, set his prison cell on fire. On appeal, defendant contends that the prosecution set forth insufficient evidence to support the requisite *mens rea* for first-degree arson. We disagree.

This Court reviews de novo a challenge to the sufficiency of the evidence. *People v Hawkins*, 245 Mich App 439, 457; 628 NW2d 105 (2001). "The sufficient evidence requirement is a part of every criminal defendant's due process rights." *People v Wolfe*, 440 Mich 508, 514; 489 NW2d 748, amended on other grounds 441 Mich 1201 (1992). "In determining whether sufficient evidence exists to sustain a conviction, this Court reviews the evidence in the light most

favorable to the prosecution, and considers whether there was sufficient evidence to justify a rational trier of fact in finding guilt beyond a reasonable doubt." *People v Oros*, 502 Mich 229, 239; 917 NW2d 559 (2018) (quotation marks and citation omitted). As stated in *People v Nowack*, 462 Mich 392, 400; 614 NW2d 78 (2000):

> The standard of review is deferential: a reviewing court is required to draw all reasonable inferences and make credibility choices in support of the jury verdict. The scope of review is the same whether the evidence is direct or circumstantial. Circumstantial evidence and reasonable inferences arising from that evidence can constitute satisfactory proof of the elements of a crime. [Quotation marks and citation omitted.]

"It is for the trier of fact, not the appellate court, to determine what inferences may be fairly drawn from the evidence and to determine the weight to be accorded those inferences." *People v Hardiman*, 466 Mich 417, 428; 646 NW2d 158 (2002). "[M]inimal circumstantial evidence will suffice to establish the defendant's state of mind, which can be inferred from all the evidence presented." *People v Kanaan*, 278 Mich App 594, 622; 751 NW2d 57 (2008).

Turning to the offense at issue here, MCL 750.72 states, in part:

> (1) A person who willfully or maliciously burns, damages, or destroys by fire or explosive any of the following or its contents is guilty of first degree arson:
>
> (a) A multiunit building or structure in which 1 or more units of the building are a dwelling, regardless of whether any of the units are occupied, unoccupied, or vacant at the time of the fire or explosion.
>
> (b) Any building or structure or other real property if the fire or explosion results in physical injury to any individual.
>
> (c) A mine.

Defendant contends that the prosecution presented insufficient evidence that defendant acted "willfully or maliciously" in burning his cell because defendant was, instead, trying to commit suicide.

The record does not support defendant's argument, as the prosecution presented ample evidence in support of the requisite state of mind. Sergeant Zachary Kihm testified that he saw a large fire on defendant's bed, while defendant was the only person in the cell. Sergeant Kihm described the scene as follows:

> [T]here was like I said a large fire on the bed and [defendant] was feeding paper into it and he'd also stuffed paper into his socks and had lit all that paper on fire, so he had like a ring of fire around both ankles.

The sergeant said that defendant "had a whole paper bag of paper that he was feeding into the fire." Sergeant Kihm denied that defendant had been "standing in the fire"; he stated that, instead, defendant had been "standing next to the fire." The sergeant said that he did not recall any

conversations about defendant "setting himself on fire." He did not see defendant with flames on his body aside from the fires burning in his socks.

Sergeant Andrew Vrabel testified that defendant, at the time of the fire, was yelling, "I am satan, hail satan [sic]," and "I'm gonna burn this place down to the ground." The fire occurred on Easter, and Sergeant Vrabel testified that defendant was "talking about how it was the white man's holiest of holidays" and stating that he would "burn this b*tch down on the white man's holiest of holidays." The sergeant indicated that defendant made these types of statements multiple times. And he could not recall defendant's having made any suicidal statements. Sergeant Vrabel acknowledged that defendant had been placed under observation in the past for exhibiting suicidal behaviors. The sergeant said that it was common for prisoners to engage in attention-seeking behaviors, and he characterized defendant's self-injurious behavior "to be more [in] the line of attention seeking."

During Sergeant Vrabel's testimony, security-camera footage was played for the jury. The sergeant noted that the video showed defendant "starting a fire in his cell" and that it "look[ed] like he was throwing something . . . to make [the] fire spread further."

All this evidence was more than sufficient to establish the requisite *mens rea* for first-degree arson. Therefore, defendant's contention that his due-process rights were violated because the prosecution did not support his conviction with sufficient evidence is without merit.

II. SENTENCING

Next, defendant contends that his within-guidelines sentence was disproportionate. We disagree.

In *People v Posey*, 512 Mich 317; 1 NW3d 101 (2023), our Supreme Court ruled that within-guidelines sentences are subject to review for reasonableness and proportionality. "[T]he proper inquiry when reviewing a sentence for reasonableness is whether the trial court abused its discretion by violating the 'principle of proportionality' set forth in *People v Milbourn*, 435 Mich 630, 636; 461 NW2d 1 (1990), 'which requires sentences imposed by the trial court to be proportionate to the seriousness of the circumstances surrounding the offense and the offender.' " *People v Steanhouse*, 500 Mich 453, 459-460; 902 NW2d 327 (2017). For within-guidelines sentences,

> there is a nonbinding presumption of proportionality. And, although a within-guidelines sentence may be disproportionate or unreasonable, the defendant bears the burden of demonstrating that their within-guidelines sentence is unreasonable or disproportionate. [*People v Purdle (On Remand)*, ___ Mich App ___, ___; ___ NW3d ___ (2024) (Docket No. 353821); slip op at 5 (cleaned up).]

Pertinent considerations are the seriousness of the offense and the defendant's criminal history. *Id*. at ___; slip op at 5.

As noted, defendant's sentence was within the applicable guidelines range. The range for defendant's minimum sentence was 171 to 356 months (i.e., 14 years and 3 months to 29 years

and 8 months). The court, stating that it was going to sentence defendant around the lower end or middle of that range, sentenced defendant to 18 to 30 years' imprisonment.

In reviewing the record, we conclude that defendant has not overcome the presumption that his within-guidelines sentence was proportional. Several people were injured from smoke inhalation as a result of the fire, including one person who required treatment at a hospital. Defendant put many others in danger as a result of the arson. In addition, defendant caused a considerable amount of damage to prison property. As for defendant's history, he had a prior felony conviction, five prior misdemeanor convictions, and a juvenile record. He was serving a sentence for home invasion at the time of the arson. And he had a lengthy prison-misconduct record that included numerous assaultive incidents. Considering all these facts, defendant's sentence was not disproportionate.

III. INEFFECTIVE ASSISTANCE OF COUNSEL

Defendant also contends that his attorney rendered ineffective assistance in several respects. We disagree that defendant is entitled to relief on these grounds.

In *People v Sabin (On Second Remand)*, 242 Mich App 656, 658-659; 620 NW2d 19 (2000), this Court stated:

> In order to preserve the issue of effective assistance of counsel for appellate review, the defendant should make a motion in the trial court for a new trial or for an evidentiary hearing. Failure to move for a new trial or for a *Ginther*[1] hearing ordinarily precludes review of the issue unless the appellate record contains sufficient detail to support the defendant's claim. If review of the record does not support the defendant's claims, he has effectively waived the issue of effective assistance of counsel. Defendant failed to move for a new trial or file a motion for a *Ginther* hearing. Therefore, our review is limited to the appellate record. If the appellate record does not support defendant's assertions, he has waived the issue. [Citations omitted.]

Defendant did not argue ineffective assistance or move for a *Ginther* hearing below, so our review is limited to the record before us. See *id.*

To obtain relief on the basis of ineffective assistance of counsel, a party "must show that counsel's performance fell short of [an] . . . objective standard of reasonableness and that, but for counsel's deficient performance, there is a reasonable probability that the outcome of the defendant's trial would have been different." *People v Ackley*, 497 Mich 381, 389; 870 NW2d 858 (2015) (cleaned up); see also *Strickland v Washington*, 466 US 668, 690, 694; 104 S Ct 2052; 80 L Ed 2d 674 (1984). "A reasonable probability is a probability sufficient to undermine confidence in the outcome." *Ackley*, 497 Mich at 389 (cleaned up).

[1] *People v Ginther*, 390 Mich 436, 443; 212 NW2d 922 (1973).

Defendant alleges that his attorney did not consult with him or prepare adequately for pretrial hearings or for trial, engaged in improper behavior, did not provide discovery to him in an efficient manner, and failed to introduce certain evidence. But defendant does not explain how his trial was negatively affected by counsel's alleged acts and omissions, nor, crucially, does he provide any evidentiary support for them. Accordingly, defendant has not satisfied the test for ineffective assistance of counsel. See *Ackley*, 497 Mich at 389; see also *Sabin (On Second Remand)*, 242 Mich App at 658-659.

IV. REMAINING CLAIMS

The remaining claims of error in defendant's supplemental brief are unpreserved and are subject to review for plain error affecting substantial rights. *People v Carines*, 460 Mich 750, 763; 597 NW2d 130 (1999). To obtain relief under this test, a defendant must demonstrate that a clear or obvious error occurred that affected the outcome of the lower court proceedings. *Id*. Even then, "[r]eversal is warranted only when the plain, forfeited error resulted in the conviction of an actually innocent defendant or when an error seriously affected the fairness, integrity or public reputation of judicial proceedings . . . ." *Id*. at 763-764 (cleaned up).

Defendant contends that the trial court improperly disallowed cross-examination of Officer Aaron O'Neal, Sergeant Zachary Kihm, and Sergeant Andrew Vrabel regarding a "Michigan Corrections Brotherhood" Facebook page.[2] But the trial court did allow questioning about this page. Defendant's attorney asked Sergeant Kihm if he was a user of Facebook, and the sergeant replied that had had used it in the past but was not a current user. The sergeant said that he "believe[d] [he] was a member" of the Facebook page in question at the time of the incident. He averred that he was unaware of any discussions about defendant taking place on the page. Sergeant Vrabel stated that this Facebook page was a "union only page" and that he was not a member. Sergeant Vrabel said that he did not have any knowledge about a purported discussion on the page regarding defendant "setting himself on fire." And Officer O'Neal denied knowing anything about discussions about defendant on a Facebook page.

Defendant also contends that the trial court improperly prohibited cross-examination of Officer O'Neal regarding his smoke-inhalation injuries, but defense counsel did cross-examine the officer on this point. Defendant appears to be implying that Officer O'Neal could not be a victim of the fire because the officer's job was to save defendant, but such an argument has no legal merit. The evidence reflects that Officer O'Neal suffered injuries as a result of the fire set by defendant.

Defendant contends that no proper foundation was laid for introduction of security footage of the fire. Defense counsel asked for authentication of the footage and affirmatively stated that he had no objection to its introduction. The issue was therefore waived. See *People v Carter*, 462 Mich 206, 215; 612 NW2d 144 (2000). In addition, defendant has provided no law to support his argument about foundation or in support of his additional argument that the footage was overly prejudicial. An appellant may not "simply [] announce a position or assert an error and then leave it up to this Court to discover and rationalize the basis for his claims, or unravel and elaborate for him his arguments, and then search for authority either to sustain or reject his position." *People v*

[2] Defendant suggests that officers were ridiculing him on this page.

Kevorkian, 248 Mich App 373, 389; 639 NW2d 291 (2001) (cleaned up). "Failure to brief a question on appeal is tantamount to abandoning it." *Id.* The footage was, at any rate, highly probative. See MRE 403.

Defendant next asserts that he was not mentally competent at the time of the offense. But defense counsel stated at trial, "[F]or the record, the Defendant is not filing an insanity defense and not claiming an insanity defense." Accordingly, this issue, too, was affirmatively waived by defense counsel. See *Carter*, 462 Mich at 215.[3]

Defendant also raises difficult-to-understand arguments about Mark Hares, the unit mental health supervisor. Defendant appears to be asserting that Hares filed a false misconduct report about defendant at some point in the past. At trial, defense counsel acknowledged that the issue concerning this report was not relevant. And defendant does not properly explain on appeal how this allegedly false report impacted the trial. This issue is therefore abandoned. See *Kevorkian*, 248 Mich App at 389.

Finally, defendant contends that the pretrial and trial proceedings were replete with bias and prejudice. But he does not explain in what manner the pretrial and trial proceedings were biased, nor does he cite any legal authority in support of his statements. So this issue is also abandoned. See *id.*

For all of the reasons set forth above, we find no basis for a reversal or remand. Defendant's conviction and sentence are therefore affirmed.

/s/ Thomas C. Cameron
/s/ Daniel S. Korobkin
/s/ Mariam S. Bazzi

[3] We note that a competency-to-stand-trial hearing took place, and defendant was found competent.