

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

RALPH RICHARD CARLIN, JR.,

Defendant-Appellant.

UNPUBLISHED

October 22, 2026

10:01 AM

No. 375555

Wayne Circuit Court

LC No. 23-001443-01-FH

Before: KOROBKIN, P.J., and RICK and MALDONADO, JJ.

PER CURIAM.

Defendant appeals by leave granted¹ his jury trial conviction of domestic violence, MCL 750.81(2), for which he was sentenced to two years’ probation. We affirm.

I. FACTUAL BACKGROUND

This case arose from an altercation on March 3, 2023. It culminated in the police forcibly entering the defendant’s home after which he was arrested and jailed on suspicion of intimate partner violence. Defendant and the complainant had been in an on-and-off relationship for about two years. The complainant had gone to defendant’s house at around 9:15 p.m. that night, intending to discuss the status of their relationship. They had not been in contact for a few days. According to the complainant, they sat in defendant’s kitchen where they shared a few shots of rum. Their discussion turned into an argument. The complainant attempted to leave. Defendant demanded that she return a ring that he had given her as a promise ring. The complainant refused. Defendant then pushed her into the bathroom, causing the complainant to fall against a towel rack. Defendant then pushed her into the bedroom and pinned her face-down on the bed while trying to remove the ring from her finger. Defendant eventually permitted the complainant to get up. As she attempted to leave, the melee continued in the kitchen, where, according to the complainant, defendant pinned her against the refrigerator and grabbed her vaginal area over her clothing. The complainant swung

¹ *People v Carlin*, unpublished order of the Court of Appeals, entered October 13, 2025 (Docket No. 375555).

her keys at defendant, and the keys fell to the floor. Defendant picked up some of the keys and took them into another room, prohibiting her from leaving. The complainant testified that defendant later put his hands on her neck, after which she felt dazed and unable to breathe.

The complainant retreated to the bathroom where she closed and locked the door. She called 911. She then called her sister, who also contacted 911. Wyandotte Police Officers Adam Groat and Alexander Stathakis, along with several other officers, were dispatched to defendant's home. Officers' body cameras recorded defendant refusing the officers entry and directing the complainant not to speak with the police. The police eventually forced their entry into defendant's residence after which they removed and arrested defendant. The officers interviewed the complainant in the apartment. The complainant was initially quiet and reserved. She repeatedly asked whether defendant could hear her. Officers observed redness around her neck and that she had urinated on herself. The complainant told them defendant had put his hands on her throat "more like a strike," but that she did not feel she was about to fall unconscious.

Defendant was charged with unlawful imprisonment, MCL 750.349b, second-degree criminal sexual conduct (CSC-II), MCL 750.520c(1)(a), assault with intent to do great bodily harm less than murder (AWIGBH), MCL 750.84(1)(a), and domestic violence.

At the final pretrial conference on January 26, 2024, defendant asked the trial court to dismiss the charges with prejudice because "I haven't been offered a speedy trial." The trial court declined to grant defendant's request.

Defendant's jury trial began on March 11, 2024, and lasted four days. The prosecution presented testimony from the complainant, the complainant's sister, and Officer Groat. Defendant called Officer Stathakis to testify. Defendant asked the trial court to admit a three-minute portion of Officer Stathakis's body camera footage to demonstrate the complainant's emotional state when she was being questioned by the police. The prosecution objected, arguing that the audio portion of the footage was inadmissible hearsay for which no exception applied. The trial court determined that there was not any hearsay exception that would allow the audio of the footage but permitted the footage to be presented to the jury without audio to show the complainant's demeanor and facial expressions.

The jury acquitted defendant of unlawful imprisonment, AWIGBH, and CSC-II, but convicted him of domestic violence. The court sentenced defendant to two years' probation. This appeal followed.

II. ANALYSIS

A. EXCLUSION OF EVIDENCE

Defendant argues that the trial court denied him a fair trial by excluding the audio portion of Officer Stathakis's body-camera footage. We disagree.

"This Court reviews a trial court's decision to admit or exclude evidence for an abuse of discretion." *People v Dobek*, 274 Mich App 58, 93; 732 NW2d 546 (2007). A court abuses its discretion when its decision falls outside the range of principled outcomes, and "[a] decision on a close evidentiary question ordinarily cannot be an abuse of discretion." *People v Thorpe*, 504 Mich

230, 251-252; 934 NW2d 693 (2019) (quotation marks and citation omitted). Preliminary questions of law concerning the admissibility of evidence are reviewed de novo. *People v Lukity*, 460 Mich 484, 488; 596 NW2d 607 (1999). Even when a preserved evidentiary error occurred, reversal is not warranted unless it affirmatively appears that “it is more probable than not that the error was outcome determinative.” *Id.* at 495-496; MCL 769.26.

Defendant preserved his evidentiary challenge by seeking admission of the audio below. But to the extent defendant separately argues that exclusion of the audio violated his constitutional right to present a defense, that claim is unpreserved because trial counsel did not raise a constitutional objection in the trial court. See *People v Solloway*, 316 Mich App 174, 197; 891 NW2d 255 (2016). We therefore review the constitutional claim for plain error affecting defendant’s substantial rights. *People v Carines*, 460 Mich 750, 763-764; 597 NW2d 130 (1999). “To avoid forfeiture under the plain error rule, three requirements must be met: 1) error must have occurred, 2) the error was plain, i.e., clear or obvious, 3) and the plain error affected substantial rights.” *Id.* at 763. Even if those requirements are satisfied, reversal is warranted only when the error resulted in the conviction of an actually innocent defendant or “seriously affect[ed] the fairness, integrity or public reputation of judicial proceedings independent of the defendant’s innocence.” *Id.* at 763-764 (quotation marks and citation omitted; alteration in original).

The trial court excluded the audio of the three-minute body-camera excerpt on the ground that it was hearsay and that no exception applied. Hearsay is an out-of-court statement offered to prove the truth of the matter asserted, and it is generally inadmissible unless an exception applies. MRE 801(c); MRE 802; *People v Smith*, 336 Mich App 79, 110; 969 NW2d 548 (2021). On appeal, defendant does not challenge the trial court’s determination that the recorded statements were hearsay, nor does he identify any exception that would have permitted their admission. He argues only that the exclusion of the audio diminished the fairness of his trial because the complainant’s “demeanor and words” would have shown that the encounter was less dangerous than her trial testimony suggested. When an appellant fails to dispute the basis of the trial court’s ruling, this Court need not consider granting relief. *Derderian v Genesys Health Care Sys*, 263 Mich App 364, 381; 689 NW2d 145 (2004). Nor may an appellant “merely announce his position and leave it to this Court to discover and rationalize the basis for his claims[.]” *People v Payne*, 285 Mich App 181, 195; 774 NW2d 714 (2009).

Even considering the purpose for which defendant offered the recording at trial, we cannot conclude that the trial court abused its discretion. When defense counsel first sought to use the recording to impeach the complainant, the trial court explained that counsel could confront her with any prior inconsistent statement in accordance with MRE 613, but could not play the recording wholesale as a substitute for that process. The next day, counsel disclaimed any impeachment purpose and stated that he offered the recording solely to show the complainant’s mental and emotional condition while she spoke with the responding officers. We recognize that whether a statement is hearsay depends on the purpose for which it is offered. *People v Musser*, 494 Mich 337, 350; 835 NW2d 319 (2013). But counsel asked to play the entire three-minute segment, acknowledged that it contained material requiring redaction that he was unable to edit, and did not identify which of the complainant’s words were needed to place her demeanor in context. The visual and audio components of a recording may be evaluated separately for admissibility, see *People v Heading*, 39 Mich App 126, 132; 197 NW2d 325 (1972). Here, the trial court accommodated counsel’s stated purpose by permitting the jury to view the footage without

sound. Given the proffer before it, the trial court's decision to admit the video but not the unredacted audio fell within the range of principled outcomes. And to the extent the court's hearsay rationale did not address every conceivable nonhearsay use of the recording, we will not reverse when the trial court reached the right result. See *People v Lyon*, 227 Mich App 599, 612-613; 577 NW2d 124 (1998).

Nor did exclusion of the audio deprive defendant of a meaningful opportunity to present a defense. Criminal defendants have a constitutional right to "a meaningful opportunity to present a complete defense." *Holmes v South Carolina*, 547 US 319, 324; 126 S Ct 1727; 164 L Ed 2d 503 (2006) (quotation marks and citation omitted); see also *People v Kowalski*, 492 Mich 106, 139; 821 NW2d 14 (2012). But that right "is not an absolute right," and "[t]he accused must still comply with established rules of procedure and evidence designed to assure both fairness and reliability in the ascertainment of guilt and innocence." *Kowalski*, 492 Mich at 139 (quotation marks and citation omitted). Evidentiary rules must yield only when they "infring[e] upon a weighty interest of the accused" and are "arbitrary" or "disproportionate to the purposes they are designed to serve." *Id.* (quotation marks and citation omitted). Thus, although hearsay may be admissible when it is "critical" to a defense, *People v Herndon*, 246 Mich App 371, 401-402; 633 NW2d 376 (2001), the audio here was not critical to defendant's theory.

Defendant was able to present that theory through other means. The jury watched the three-minute video and could independently observe the complainant's facial expressions and body language. Officer Stathakis testified that the complainant initially appeared reserved and frightened, and that she became more open after defendant was arrested and placed in a patrol vehicle. On cross-examination, the complainant acknowledged that she did not tell the responding officers about some of the conduct she later described at trial, including the alleged sexual touching. Officer Groat testified that the complainant was not responsive to the officers' questions, did not want to provide a written statement, and was not emotional, although he described her as having a "defeated demeanor." Because the jury heard the substance of defendant's challenge to the complainant's initial account and was able to observe her demeanor for itself, exclusion of the audio did not prevent defendant from presenting his theory that the encounter was less severe than the complainant's trial testimony suggested. Defendant has therefore not established error, plain or otherwise, in the exclusion of the audio.

Moreover, even if the trial court erred, defendant has not shown that the exclusion of the audio affected the outcome. The complainant testified that defendant pushed her into a towel rack and later pinned her face-down on a bed while trying to remove a ring from her finger. Her sister testified that the complainant told her she had been hit and was scared. Responding officers observed redness around the complainant's neck and that she had urinated on herself. Photographs also documented bruising, and the evidence showed that defendant initially prevented the officers from speaking with the complainant privately.

The jury's verdict reinforces that conclusion. The jury acquitted defendant of unlawful imprisonment, CSC-II, and AWIGBH and convicted him only of domestic violence. Defendant's principal argument is that hearing the audio would have caused the jury to view the encounter as less dangerous than the complainant's trial testimony suggested. But the degree of danger was not an element of the domestic-violence offense on which defendant was convicted. That offense required proof that defendant assaulted or assaulted and battered the complainant, with whom he

had been in a dating relationship. See MCL 750.81(2). Nor was the recording uniformly favorable to defendant. In it, the complainant described defendant putting his hands on her throat which made her unable to breathe and scared. She characterized the physical contact as “more like a strike.” In light of the evidence supporting the domestic-violence conviction, the jury’s divided verdict, and the contents of the recording itself, defendant has not demonstrated that hearing the audio would more probably than not have changed the verdict. *Lukity*, 460 Mich at 495-496. For the same reasons, any error did not affect defendant’s substantial rights. *Carines*, 460 Mich at 763.

B. SPEEDY TRIAL

Defendant next contends that the approximately one-year delay between his arrest and trial violated his state and federal constitutional rights to a speedy trial. We disagree.

“Whether a defendant was denied his constitutional right to a speedy trial is a mixed question of fact and constitutional law.” *People v Smith*, 351 Mich App 1, 9; 34 NW3d 593 (2024). We review the trial court’s factual findings for clear error and questions of constitutional law de novo. *Id.*

The United States and Michigan Constitutions guarantee a criminal defendant the right to a speedy trial. US Const, Am VI; Const 1963, art 1, § 20. In evaluating a speedy-trial claim, courts balance the four so-called *Barker*² factors: “(1) the length of delay, (2) the reason for delay, (3) the defendant’s assertion of the right, and (4) the prejudice to the defendant.” *Smith*, 351 Mich App at 9 (quotation marks and citation omitted). There is no fixed number of days that establishes a violation. *People v Williams*, 475 Mich 245, 261; 716 NW2d 208 (2006). But when the total delay is less than 18 months, the defendant bears the burden of demonstrating prejudice. *People v Waclawski*, 286 Mich App 634, 665; 780 NW2d 321 (2009). When it exceeds 18 months, prejudice is presumed. *Id.*

The first factor does not weigh heavily in defendant’s favor. The speedy-trial period runs from arrest until trial begins. *Williams*, 475 Mich at 261. Defendant was arrested on March 3, 2023, and trial began on March 11, 2024, a delay of 12 months and 8 days. Because that period was less than 18 months, prejudice is not presumed and defendant bears the burden of establishing actual prejudice. *Waclawski*, 286 Mich App at 665. Defendant is correct that periods attributable to the defense remain part of the total length of delay; responsibility for those periods is considered separately under the reason-for-delay factor. See *Williams*, 475 Mich at 262-263.

The reasons for the delay weigh against defendant. In assessing this factor, courts consider which portions of the delay are attributable to each party, while ordinary court congestion or scheduling delay attributable to the prosecution receives only minimal weight. *People v Lown*, 488 Mich 242, 261-262; 794 NW2d 9 (2011); *Smith*, 351 Mich App at 10. Much of the period before trial was consumed by defense investigation, discovery review, and repeated changes in appointed counsel. Defendant sought replacement counsel in May 2023 and again in November 2023. The attorneys who represented him requested additional time to review transcripts, investigative materials, video evidence, 911 recordings, and discovery. When replacement counsel first

² *Barker v Wingo*, 407 US 514, 530; 92 S Ct 2182; 33 L Ed 2d 101 (1972).

appeared on December 8, 2023, he had received the discovery link but had not yet downloaded the materials. The prosecution nevertheless asked the court to set a trial date. March 11, 2024, was selected after the court and both attorneys compared their schedules. Although the prosecutor was unavailable for a February 20 date because of another trial, the prosecutor offered the following week or March 11, and defense counsel agreed to March 11. This record reflects defense preparation and ordinary scheduling considerations, not purposeful governmental delay.

The third factor favors defendant, but only slightly. Defendant did not formally assert his speedy-trial right until January 26, 2024, nearly 11 months after his arrest and only 45 days before trial. By then, the March 11 trial date had already been set and did not change. At the same January hearing, defense counsel requested additional time before the final conference because he still needed to complete discovery review and confer with defendant. Although defendant's assertion of the right weighs in his favor, its timing diminishes the weight of that factor.

The prejudice factor does not establish a constitutional violation. Prejudice may be personal or may impair the defense, but impairment of the defense is the more serious concern because it threatens the fairness of the trial itself. *People v Collins*, 388 Mich 680, 694; 202 NW2d 769 (1972). Defendant identifies personal hardship from his pretrial incarceration, including the loss of employment and housing. We do not discount that hardship. But because the delay was less than 18 months, defendant bears the burden of showing actual prejudice, and he identifies no witness who became unavailable, no evidence that was lost, no material deterioration of memory, and no defense theory that he was unable to pursue because of the delay. Indeed, much of the delay was granted to permit defense counsel to investigate the case, review discovery, and prepare for trial. Defendant has therefore failed to demonstrate prejudice to his defense. See *Williams*, 475 Mich at 264-265; *Waclawski*, 286 Mich App at 669-670.

Balancing the four factors, we conclude that defendant was not denied his constitutional right to a speedy trial. The overall delay was 12 months and 8 days; much of that period resulted from defense preparation and defendant's requests for new counsel; defendant did not assert the right until 45 days before a trial date that was already set; and, although he experienced personal hardship from incarceration, he has not shown that the delay impaired his defense. The *Barker* factors therefore do not establish a violation of defendant's state or federal constitutional right to a speedy trial.

Affirmed.

/s/ Daniel S. Korobkin
/s/ Michelle M. Rick
/s/ Allie Greenleaf Maldonado