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

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JUMAANE AMUNRA JONES,

Defendant-Appellant.

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UNPUBLISHED

April 11, 2024

No. 360171

Saginaw Circuit Court

LC No. 20-046833-FH

Before: LETICA, P.J., and CAVANAGH and SWARTZLE, JJ.

CAVANAGH, J. (*concurring in part and dissenting in part*).

I concur with the majority in the result, but would hold that defense counsel’s failure to timely request an instruction on the definition of “reasonable force” likely fell below an objective standard of reasonableness. However, defendant has failed to establish that it is reasonably likely that counsel’s error affected the outcome of the case because the instructions that were given fairly presented the issues to the jury. See *People v Trakhtenberg*, 493 Mich 38, 51; 826 NW2d 136 (2012); *People v Montague*, 338 Mich App 29, 38; 979 NW2d 406 (2021).

Further, I would hold that a specific unanimity instruction should have been given. See *People v Cooks*, 446 Mich 503, 512, 524; 521 NW2d 275 (1994) (a specific unanimity instruction is warranted if “more than one act is presented as evidence of the actus reus of a single criminal offense” and any of the acts are materially distinct). However, plain error warranting reversal has not been demonstrated. See *People v Gonzalez*, 468 Mich 636, 643; 664 NW2d 159 (2003).

/s/ Mark J. Cavanagh