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STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN, Plaintiff-Appellee,	UNPUBLISHED November 10, 2026 9:41 AM
v	No. 374115 Wayne Circuit Court
SHANTOINE LAWRENCE, Defendant-Appellant.	LC No. 24-000493-01-FC

Before: PATEL, P.J., and M. J. KELLY and GARRETT, JJ.

PER CURIAM.

Defendant, Shantoine Lawrence, appeals as of right his conviction following a jury trial of second-degree murder, MCL 750.317. Because there are no errors warranting reversal, we affirm.

I. BASIC FACTS

Marcena Smith was beaten to death in the late evening hours of December 1, 2023. Her body—which had been wrapped in a red sheet, doused in gasoline, and immolated—was discovered in an alleyway during the early morning hours of December 2, 2023 by a passing police officer who noticed the fire and went to extinguish it. The medical examiner determined that Smith's cause of death was multiple blunt force injuries to her head. She also had bruises on both arms. Although she also had thermal injuries, the medical examiner opined that they had been inflicted after her death.

Upon investigation, Smith's last known location was determined to be Lawrence's house. When the police arrived at Lawrence's house in the evening hours of December 2, 2023, they observed blood in the backyard and obtained a search warrant for the residence. Inside, they discovered more blood in the living/dining area, including on the couch and carpet. There was also blood in a trash can outside the house. A sheet of the same color as the one wrapped around Smith's body was located in the laundry area. Lawrence, who was identified as a suspect, was arrested at a nearby laundromat. At trial, Lawrence admitted to killing Smith, but stated that he did so in self-defense after Smith pulled a gun on him.

Smith and Lawrence had known each other for approximately 10 or 11 years. During that time, Smith was in an on-again-off-again dating relationship with one of Lawrence's sisters, Melissa Hamilton. According to Hamilton, the relationship with Smith was "good," but "not perfect" and there were instances of domestic violence between them, including an incident where Smith allegedly struck Hamilton with a gun before Hamilton disarmed her and fired the gun at her. Lawrence's own relationship with Smith was initially good, but it soured in 2017 when she accused him of inappropriately touching her daughter. After the sexual-abuse allegations, Lawrence and Smith did not talk for a number of years. In November 2023, they reconnected at the funeral for Lawrence's and Hamilton's sister. By November 30, 2023, the two were in "regular" contact and, according to Lawrence, they did not have any altercations or arguments.

On December 1, 2023, Smith came to Lawrence's house in the afternoon. Lawrence stated that they "celebrated" for a few hours by drinking alcohol and smoking marijuana with his cousin, Kyree Joiner, who lived with Lawrence. Smith then drove Lawrence to his girlfriend's house. After some time, Smith drove Lawrence, his girlfriend, and his girlfriend's minor daughter back to Lawrence's house. According to Lawrence, Smith had a gun in the center console of her vehicle and, when she went back into his house, she had that gun in the pocket of her jacket. Lawrence testified that he had heard other people say that Smith was "dangerous" with her gun. Specifically, he identified the father of Hamilton's children, Corey Cherry, as one of the people who Smith had previously assaulted. However, he stated that Smith had not previously assaulted him with a gun.

At the house, Lawrence's girlfriend and her daughter went into Lawrence's room. Lawrence and Smith returned to the dining room and continued drinking alcohol, smoking marijuana, and listening to loud music. After a while, Joiner, who had been in his bedroom, came and started drinking and smoking with them. Lawrence explained also that Smith also offered them "edible mushrooms," which they all consumed.

Lawrence testified that they were having "casual conversation" when Smith got a phone call. He stated that the call "aggravated" Smith, who kept telling him and Joiner to "quiet down" while she was on the phone. Lawrence responded by telling her to "quiet down" because he had company and she was louder than his already loud music. Lawrence stated that Smith ignored his request and that, after the call, Smith stated, "This is some BS" and that she "had to be a mother." He thought that she was referring to the allegations that he had inappropriately touched her daughter. Lawrence testified that he told her to leave even though he did not feel threatened by her statement that she "had to be a mother."[1]

Lawrence stated that Smith looked at him like he was "silly" and then pulled her gun and pointed it at his stomach. He stated that Smith, who was three feet away, was holding the gun in her left hand and that she reached toward his neck with her right hand. He responded by grabbing both of her hands and trying to push her toward a wall. Instead, Smith tripped and fell, and Lawrence fell on top of her. Smith was approximately 5'3" and weighed 185 pounds. Lawrence is

[1] Based upon the record, it is unclear where Joiner was during this conversation. Lawrence's testimony was that Joiner was present when Smith received the phone call that aggravated her, but Lawrence later testified that Joiner returned to the room after Smith had died.

approximately 6'3" and weighed approximately 285 pounds at the time. Lawrence stated that he "wrestled" Smith for the gun, but that it was difficult to "wrestle" the gun away from her despite their considerable size difference because he had a pinched nerve in his right arm.[2] Because he could not take the gun away, he pinned her hand holding the gun to the floor and told her to "let go" of the gun. When she did not, he punched her in the face with his left fist. He stated that he then hit her again and continued "striking" her until he realized that she had "expired" and her grip on the gun had loosened. He stressed to the jury that Smith had the gun in her hand the "entire" time that he was striking her.

Lawrence testified that he had been shot before so when he saw the gun he "went straight to defense mode". He explained that he was just trying to get the gun out of Smith's hand and that there were "three other lives" in the house. He was scared. And when she pulled the gun, he was thinking about the time he was shot and about the other people in the house. He believed that there was nothing to stop Smith from shooting him, his girlfriend, his girlfriend's child, and Joiner.

Lawrence testified that after beating Smith to death, he placed her gun on the table.[3] He saw that his hands were covered in blood. He started saying aloud that he had "fucked up". He testified that Joiner then came out of his bedroom and told him that his dad was on the way over. Lawrence testified that when Joiner's dad arrived, he looked at Smith's body, left, and returned wearing gloves. He told Lawrence not to "worry about it," tied Smith's hands and feet together, and then dragged her body from the house with Joiner's assistance.[4] Lawrence stayed in the house and started cleaning up the blood. When Joiner and his dad returned, they helped him clean up further. On orders from Joiner's dad, Lawrence took a shower and gave his clothes to Joiner's dad.

Afterward, Lawrence drove Smith's car to Hamilton's house because he was "scared" and had "never" been in a situation like this before. He stated that he did not tell her anything, but Hamilton testified that he told her that he had killed a man and was saying "crazy stuff," including that "people kept playing with him thinking he wasn't about that life." She told him to leave. Lawrence stated that after he left, he returned home and called a few people because he was "scared." He then fell asleep at the table.

The next morning, he took his girlfriend and his girlfriend's daughter to their home using Smith's vehicle. He then returned to his house where Joiner's aunt and sister were doing some painting. He said that they asked about the "mess" and that he told them that he had "gotten into it" with Smith. Lawrence then drove Smith's vehicle to his grandfather's house and told him that he had "fucked up" and was in a "fucked up situation." Afterward he went to his aunt's house and then to his uncle's house and told them the same thing. He did not go to the police. Instead, he got some food and then went to talk to someone at a laundromat. His plan was to leave Smith's vehicle there and return home on the bus, but he was arrested instead.

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[2] Lawrence stated he did not tell the police about his pinched nerve because he was not asked about it.

[3] The gun was never recovered.

[4] Lawrence was not charged in relation to the destruction of Smith's body.

After his arrest, Lawrence was interrogated on two occasions. During the first interrogation, he lied and told the police that someone named "Omar" had been at his house. He stated that "Omar" and Smith got into a fight, that he was upset that they were fighting in his house, so he told them to leave. He said that they left together. Later during the interview, he claimed that Smith was alive and "snoring" when "Omar" dragged her from the house after the fight.

During the second interrogation, the police told him that there was no evidence that "Omar" had been at the house. Lawrence then admitted that he had killed Smith by repeatedly "beat[ing] her with fists." He stated that he only hit her in the face. During the interview, he told the police that he was not afraid of Smith. He told them that she pulled a gun on him, but that he "took it" from her and they "started fighting." He said that he "snapped" and punched her. He added that he "snapped" because his mother had died the previous year and one of his sisters had died recently and he was just sick of "it." He also complained that Smith was making allegations against him about "rape". At trial, he further explained that he had "snapped" because he was trying to "defend my house". Lawrence never told the police that he had been acting in self-defense or that he felt threatened by Smith.

At trial, Hamilton testified that she and Smith had been texting each other while Smith was at Lawrence's house. Additionally, she stated that Lawrence had called Hamilton's phone approximately ten times so that he could speak with Cherry (the father of Hamilton's children). Lawrence, who was on speaker phone, asked Cherry if he wanted him to "get rid of his problems". Hamilton believed that the problem Lawrence was referring to was Smith because Cherry was very upset that she was still in a dating relationship with Smith after she had given birth to Cherry's children. And, as noted above, Lawrence was aware that Smith had previously assaulted Cherry.

Hamilton texted Smith and asked if she was at Lawrence's house. When Smith affirmed that she was, Hamilton told her to leave because she "had a feeling [Lawrence] was gonna do something to her" and that he was "plotting" against her with Cherry. Smith did not leave; instead, she texted that Lawrence had her "shit" and that she was not leaving without it. She also texted Hamilton, "I'm about to go get my strap, I'm not about to play with him." A police officer testified that the term "strap" could refer to a gun. Smith also referenced her daughter in the messages, adding that she was not leaving "until I get my shit." When asked "what stuff," she responded "my lil bro".[5] That message was sent at 10:17 p.m. At around 11:00 p.m., Hamilton asked if she was still "over there," but she never got a response. Hamilton tried calling Smith, but it went straight to voicemail.

Hamilton testified that during one of the calls between Lawrence and Cherry, she could hear in the background that Smith was on the phone with Smith's daughter. Another time she answered a call from Lawrence, but he did not say anything to her. She thought it was a "pocket dial." She stated that "it sounded like he was beating on somebody" and recalled that he told someone "lay down," "go to sleep" and "stay down." Hamilton testified that she did not call the

[5] Hamilton testified that she did not know if "lil bro" was slang for a gun.

police because she was "hoping" that Smith and Lawrence were only "fighting" and she did not want either of them to go to jail.

Finally, Smith's cousin testified that he called Smith in the evening on December 1, 2023, and a male answered her phone. He said that he could hear Smith crying in the background. The male voice told him that "[t]his disrespectful bitch getting her ass beat right now." He did not recognize the voice. Smith's cousin tried to call her again, but no one answered. He stated that he then drove to where he thought she might be and that he also called around to try and locate her The next morning, he learned that she was dead. Eventually, he spoke to the police about what he had heard during the phone call.

Prior to trial, Lawrence's lawyer moved to suppress Lawrence's statements to the police during his interrogation. In support of that motion, Lawrence retained Dr. Colin King, a psychologist, who performed a forensic psychological evaluation of Lawrence. In his forensic psychological evaluation report, Dr. King addressed whether Lawrence was competent to stand trial, whether Lawrence was competent to waive his *Miranda* rights,[6] and whether Lawrence had been acting in self defense when he killed Smith. In his report, he indicated that, based upon his interviews with Lawrence and the results of psychological evaluations that he administered, Lawrence had severe depression, severe anxiety, and "likely had PTSD." At the evidentiary hearing, he testified firstly that Lawrence "endorsed a lot of symptoms that are consistent with PTSD," but he later stated that he had been able to diagnose Lawrence with PTSD, depression, and anxiety. Following an evidentiary hearing on the suppression motion, the trial court held that Lawrence's statements during the interrogation were admissible and that Lawrence was competent to waive his *Miranda* rights.[7]

Lawrence's lawyer then indicated that he still intended to call Dr. King at trial to testify in support of Lawrence's claim of self-defense. At that time, the prosecutor did not object to Dr. King's testimony in support of self-defense. Rather, the prosecutor merely stated that she wanted to make sure that Dr. King did not "testify to any question of law or opine on whether or not there's a valid self-defense claim or not". On the first day of trial, however, the prosecutor objected to the admission of Dr. King's testimony. The trial court indicated that it was not going to decide the issue immediately. Thereafter, Lawrence's lawyer filed a supplemental brief arguing in favor of the admission of Dr. King's testimony. In that brief, he indicated that based on Dr. King's testing, Lawrence was someone who suffered from PTSD, anxiety, and depression, and that Dr. King's testimony would be helpful to the jury to understand why someone "who suffers from PTSD, anxiety and depression, would perceive an armed aggressor in a manner differently, and respond differently." He further noted that Dr. King had opined that, given Lawrence's mental status, Lawrence honestly and reasonably believed that his actions were necessary to defend himself against Smith when she pointed a gun at him. The prosecutor filed a written response to Lawrence's supplemental brief.

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[6] *Miranda v Arizona*, 384 US 436; 86 S Ct 1602; 16 L Ed 694 (1966).

[7] On appeal, Lawrence does not challenge the trial court's decision to admit the interrogation videos.

On the third day of trial, the court heard additional and extensive oral argument from the parties on the issue. During that discussion, Lawrence's lawyer indicated that Dr. King's testimony would be limited to establishing that Lawrence had PTSD, anxiety, and depression. The prosecutor responded that it was challenging Dr. King's ability to make such a diagnosis, argued that he was not an expert in PTSD, depression, and anxiety, and asserted that Dr. King lacked corroborating proof of Lawrence's self-reported history of trauma. Ultimately, the court concluded that the challenge to the diagnosis was a matter that went to the weight of the evidence, not its admissibility.

Lawrence also argued that evidence describing the impact of such psychological history would aid the jury in understanding the reason why someone who is substantially larger than his attacker would "continue to strike so many times again and again and again." He stressed that it was imperative to tell the jury that, because of his psychological history, Lawrence's response in "pummeling" Smith to death was reasonable. In support, he directed the court to caselaw on the admissibility of expert testimony on battered spouse syndrome and argued, by analogy, that expert testimony should be admitted to aid the jury's understanding of the impact of PTSD, anxiety, and depression on a claim for self-defense. In response, the prosecutor argued that the caselaw involving battered spouse syndrome was factually distinguishable. Moreover, she asserted that Dr. King's proposed testimony should be disallowed because it would go to the ultimate issue of self-defense.

Finally, on the fourth day of trial, the court reached a decision. The court determined that Dr. King's proposed testimony was not appropriate because there were two versions of events for the jury to decide between and depending on which version it believed Lawrence's actions were either self defense or not self-defense. Therefore, the court held that it would not admit Dr. King's testimony.

As noted above, the jury rejected Lawerence's claim of self-defense and found that Lawrence's killing of Smith was second-degree murder. This appeal follows.

II. EXPERT TESTIMONY

A. STANDARD OF REVIEW

Lawrence argues that the trial court abused its discretion by excluding expert testimony from Dr. King. He maintains that Dr. King would have testified that, in general, a history of trauma and PTSD can result in exaggerated defensive responses, which would be helpful to the jury in understanding how Lawrence's mental health conditions—PTSD, anxiety, and trauma history—resulted in him having an honest and reasonable belief that he was in imminent danger when Smith confronted him with a gun. The trial court's decision to exclude expert testimony is reviewed for an abuse of discretion. *People v Dobek*, 274 Mich App 58, 93; 732 NW2d 546 (2007). "An abuse of discretion occurs when the court chooses an outcome that falls outside the range of reasonable and principled outcomes." *People v Unger*, 278 Mich App 210, 217; 749 NW2d 272 (2008).

B. ANALYSIS

Under MRE 702 provides:

> A witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise if the proponent demonstrates to the court that it is more likely than not that:
>
> (1) the expert's scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue;
>
> (b) the testimony is based on sufficient facts or data;
>
> (c) the testimony is the product of reliable principles and methods; and
>
> (d) the expert's opinion reflects a reliable application of the principles and methods to the facts of the case.

It is the role of the trial court to ensure that the expert's testimony is "both relevant and reliable." *People v Kowalski*, 492 Mich 106, 120; 821 NW2d 14 (2012). In that regard, "a court evaluating proposed expert testimony must ensure that the testimony (1) will assist the trier of fact to understand a fact in issue, (2) is provided by an expert qualified in the relevant field of knowledge, and (3) is based on reliable data, principles, and methodologies that are applied reliably to the facts of the case." *Id*.

In this case, Lawrence's lawyer sought to admit Dr. King's testimony to show (1) that Lawrence suffered from PTSD, depression, and anxiety, and (2) to explain why a person suffering from such a psychiatric history would have honestly and reasonably believed that it was necessary to take the actions that Lawrence took when Smith confronted him with a gun. In support, he directs this Court to *People v Christel*, 449 Mich 578; 537 NW2d 194 (1995), which noted that "expert testimony is needed when a witness' actions or responses are incomprehensible to average people." *Id*. at 592. Further, the *Christel* Court recognized that expert testimony on battered woman syndrome could aid in dispelling "the ordinary lay person's perception" and countering "common sense conclusions" that would otherwise mislead a jury. *Id*. at 588 (quotation marks and citation omitted). Lawrence contends that the same principles hold true for expert testimony on PTSD, anxiety, and depression, and that such expert testimony can be relevant and helpful to the jury in evaluating a defendant's response when faced with a person armed with a gun.

Yet, as recognized by the trial court, expert testimony was not required to explain Lawrence's behavior in this case. Rather, this case is akin to *People v Orlewicz*, 293 Mich App 96; 809 NW2d 194 (2011). In *Orlewicz*, the defendant sought to present psychiatric testimony to support his self-defense claim. *Id*. at 101. In rejecting that contention, the *Orlewicz* Court first considered what was required for a self-defense claim:

> A claim of self-defense at common law required an honest and reasonable belief of an imminent danger of death or great bodily harm. *People v Dupree*, 486 Mich 693, 707–708; 788 NW2d 399 (2010). The Self–Defense Act, MCL 780.971 *et seq*., which became effective before the killing in this case, continues to require an honest and reasonable belief of imminent death or harm. MCL 780.972. A defendant's history and psychological makeup may be relevant to explain the reasonableness of a defendant's belief that he or she was in inescapable danger.

> *People v Wilson*, 194 Mich App 599, 604; 487 NW2d 822 (1992) (discussing the "battered spouse syndrome"). And reasonableness depends on what an ordinarily prudent and intelligent person would do on the basis of the perceptions of the actor. *People v Doss*, 406 Mich 90, 102; 276 NW2d 9 (1979) (discussing what constitutes "reasonable force" for a police officer to effectuate an arrest). [*Id*. at 102.]

The *Orlewicz* Court recognized the general principal that "[a] defendant's psychological idiosyncrasies may, at least in theory, be relevant to the reasonableness of the defendant's belief that he or she was in danger." *Id*. However, it concluded that such evidence was not relevant in the case before it. *Id*. The *Orlewicz* Court reasoned:

> Evidence is relevant if it tends to make a "fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." MRE 401. This case featured two starkly contrasting, and largely incompatible, narratives of what factually transpired just before the killing. Under the prosecution's version of events, there is no possible way defendant could have been legitimately defending himself. Under defendant's version of events, there is absolutely no leap of logic or faith required to conclude that it is objectively reasonable to fear for one's life when a large, intimidating person with an undisputed reputation for violence is pointing a gun at him and explicitly threatening to "blow [his] fricking brains out." Defendant's self-defense claim here depends purely on which of the two factual scenarios actually happened. Therefore, the psychiatric testimony would only have been relevant if it had some bearing on which scenario occurred.
>
> Simply put, the psychiatric testimony would have cast no light whatsoever on which of the two versions of events was the more likely. Either defendant carefully planned the victim's demise and disposition, or the victim lost his temper and presented a highly convincing threat of immediate death. We are unable to perceive how, under the circumstances of this case, the proposed psychiatric testimony would have assisted the jury in determining which version of events was more credible or whether, under defendant's scenario, he would have honestly and reasonably believed that he was in imminent and grave danger. The trial court did not abuse its discretion by excluding the psychiatric testimony . . . . [*Id*. at 102-103.]

Stated differently, when there are two competing theories of a case, expert testimony on a defendant's psychological idiosyncrasies is not relevant unless it makes one version of events more probable or less probable than it would be without the evidence.

Here, as in *Orlewicz*, there are two competing and largely incompatible theories of what factually occurred. Under the prosecutor's version of events, Lawrence and Cherry conspired together against Smith, with Lawrence volunteering to get rid of Cherry's problem. Under the prosecutor's theory, even if Smith had a gun, Lawrence took it from her. And, after disarming her, he beat her to death by repeatedly striking her in the face with his fists. In contrast, the defense theory was that Lawrence was suddenly confronted by Smith with a gun, that he knew of her reputation for violence and assaultive conduct, that she had alluded to the allegations that he had

"raped" her daughter and that she had to "be a mother" in the moments before pointing a gun at him, that he first tried to disarm her by telling her to let go of the gun, and that he only struck Smith while she maintained her grip on the gun. Considering these competing theories, Dr. King's proposed testimony would have had no bearing on which scenario actually occurred. As such, the trial court did not err by excluding it.

III. INEFFECTIVE ASSISTANCE

A. STANDARD OF REVIEW

Lawrence next argues that his lawyer provided constitutionally ineffective assistance. "When no *Ginther*[8] hearing has been conducted, our review of the defendant's claim of ineffective assistance of counsel is limited to mistakes that are apparent on the record." *People v Mack*, 265 Mich App 122, 125; 695 NW2d 342 (2005).

B. ANALYSIS

To prevail on a claim of ineffective assistance, "a defendant must show that (1) counsel's performance fell below an objective standard of reasonableness and (2) but for counsel's deficient performance, there is a reasonable probability that [the] outcome would have been different." *People v Yeager*, 511 Mich 478, 488; 999 NW2d 490 (2023) (quotation marks and citation omitted). "A reasonable probability is a probability sufficient to undermine confidence in the outcome." *Id*. (quotation marks and citation omitted). "Effective assistance of counsel is presumed, and the defendant bears a heavy burden of proving otherwise." *People v Head*, 323 Mich App 526, 539; 917 NW2d 752 (2018) (quotation marks and citation omitted).

Lawrence first asserts that his lawyer provided constitutionally deficient assistance in three separate ways in connection with his attempt to admit Dr. King's testimony relating to his self-defense claim. We address each contention in turn.

First, Lawrence notes that his lawyer initially presented Dr. King's report in connection with a motion challenging the admissibility of his statements during interrogation. He argues that, in accordance with the "court rules," his lawyer should have "clearly articulated from the outset" that Dr. King's testimony would also be used to support Lawrence's claim of self-defense. Lawrence does not identify the court rules that he contends require clearer articulation from Lawrence's lawyer. "An appellant may not merely announce his position and leave it to this Court to discover and rationalize the basis for his claims, nor may he give only cursory treatment [of an issue] with little or no citation of supporting authority." *People v Kelly*, 231 Mich App 627, 640-641; 588 NW2d 480 (1998). Regardless, the record reflects that Dr. King's report addressed the impact that Lawrence's mental-health issues and prior traumas had on his claim of self-defense. Further, he testified to those impacts during the evidentiary hearing on the motion to admit Lawrence's interrogation statements. After that motion was denied, Lawrence's lawyer expressly stated that he was going to use Dr. King's testimony to support a claim of self-defense and he discussed with the prosecutor and the court on what days Dr. King would be available to testify.

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

Based upon the foregoing, it is apparent that Lawrence's lawyer clearly articulated prior to trial that he intended to call Dr. King in support of the self-defense claim. As such, Lawrence cannot establish ineffective assistance on this basis.

Second, Lawrence maintains that his lawyer erred by not arguing that *Christel* and *Kowalski* supported his argument in favor of Dr. King's testimony being admissible. The failure to argue every possible case, however, does not render a lawyer's performance constitutionally deficient. Here, Lawrence's lawyer argued that Dr. King's testimony would be helpful because it would aid the jury in understanding PTSD and trauma responses in self-defense situations. Thus, although he did not direct the court to the cases now identified by Lawerence on appeal, his argument encapsulated the legal principles espoused in those cases. As such, Lawrence cannot show that his lawyer's performance fell below an objective standard of reasonableness. Likewise, he cannot show prejudice.

Lastly, Lawrence contends that his lawyer failed to properly establish Dr. King's qualifications to offer expert testimony on PTSD, anxiety, and depression. However, at the suppression hearing, the prosecutor did not object to Dr. King's qualification as an expert. And, although it objected to his qualifications prior to trial, the trial court did not exclude his testimony on the basis that he was not qualified to offer expert testimony on PTSD, anxiety, or depression. As such, Lawrence cannot show that any deficiency in presenting Dr. King's credentials was prejudicial.

In sum, Lawrence's claims of ineffective assistance related to Dr. King's testimony supporting Lawrence's self-defense claim are without merit. Lawrence's lawyer's performance did not fall below an objective standard of reasonableness, and Lawrence was not prejudiced by the allegedly deficient performance.

We turn now to Lawrence's final claim of ineffective assistance. He maintains that his lawyer provided ineffective assistance during jury deliberations because he did not move for a mistrial after Juror Number 2 looked up information related to the case. Lawrence cannot establish the factual predicate for his claim. Although the jury sent a note indicating that Juror Number 2 had looked up information related to an area code mentioned during the case, the trial court responded to the note by placing Juror Number 2 under oath and asking her whether she had, in fact, looked up information. Juror Number 2 swore under oath that she had not done so. She explained at length:

> No. I didn't look anything up. It just was something that I asked about last week. And, I was like—he mentioned—our Defendant was—he mentioned an area code or he was on a phone talking about to someone, a loved-one or something on the phone, and he was saying that he was going to go somewhere after he finished doing his time or whatever the case was. And, then we were looking at the phone records and I was, like, oh, that looks familiar because we were looking at the calls comparing them to who they belonged to, if it was the sister, and this and that, or whatever. And, because I asked the question last Friday and we had the computer, and I was like oh, what's this area code. And, then that's when he reminded me oh, we can't look anything up, and I was like okay, no worries or whatever. So, then we came back today and we were just sitting there and just chatting on that end of

> the room, and the ladies were saying something again about the conversations that the Defendant had about going elsewhere once he finished doing his time or how ever he put it when he was on a call, and then I was like oh, yeah that's, you know, such and such. And, then the foreman, he jumped up from the other end of the room—you better not taint my jury and, you know, putting his finders [sic] in my face.

The court interposed, stating, "So, the long answer and the short answer is no?" She agreed, noting again that she "just wanted to kind of share what my experience was". At that time, Lawrence's lawyer indicated that he was "satisfied." The court concluded that the juror had not looked anything up, but reiterated to the jury that they could not do so and that they had to be businesslike and respectful with each other during their deliberations.

Because there is no evidence that Juror Number 2 looked up any information, there was no basis upon which Lawrence's lawyer could have moved for a mistrial. Moreover, even if he had done so, the trial court who heard the same sworn statement concluded that no information had been looked up by the juror. On this record, therefore, Lawrence cannot establish either prong of his claim of ineffective assistance.

IV. SENTENCE

A. STANDARD OF REVIEW

Lawrence finally argues that the trial court erred by scoring offense variable (OV) 7 at 50 points. We review for clear error the trial court's factual determinations made when scoring the sentencing guidelines. *People v Hardy*, 494 Mich 430, 439; 835 NW2d 340 (2013). "Whether the facts, as found, are adequate to satisfy the scoring conditions prescribed by statute, i.e., the application of the facts to the law, is a question of statutory interpretation, which an appellate court reviews de novo." *Id*. at 438.

B. ANALYSIS

OV 7 addresses aggravated physical abuse. MCL 777.37. The trial court must score 50 points if "[a] victim was treated with sadism, torture, excessive brutality, or similarly egregious conduct designed to substantially increase the fear and anxiety a victim suffered during the offense." MCL 777.37(1)(2). In this case, the prosecutor argued that 50 points should be scored because Lawrence treated Smith with excessive brutality and the trial court agreed.

Lawrence contends that there can be no excessive brutality in this case because there is no evidence of taunting, humiliation, threats designed to terrorize, or conduct calculated to prolong suffering. However, such evidence is not *necessary* to find that a defendant treated a victim with excessive brutality. "For purposes of OV 7, excessive brutality means savagery or cruelty beyond even the 'usual' brutality of a crime." *People v Rosa*, 322 Mich App 726, 743; 913 NW2d 392 (2018) (quotation marks and citation omitted).

Lawrence further argues that OV 7 was improperly scored because his conduct was caused when he "snapped" in response to a perceived life-threatening situation. He states that his conduct

consisted "entirely of the beating itself." However, the sentencing guidelines do not need to be calculated based upon the defendant's version of events and explanation for his or her conduct. Rather, the court "may rely on reasonable inferences arising from the record evidence to sustain the scoring of an offense variable." *People v Earl*, 297 Mich App 104, 109; 822 NW2d 271 (2012), overruled in part on other grounds by *People v White*, 501 Mich 160, 164 n 2 (2017). And, as recognized in *Hardy*, when scoring OV 7, a trial court "may consider conduct inherent in a crime." *Hardy*, 494 Mich at 441-442.

Here, the record reflects that Smith died from multiple blunt force traumas to her head. The medical examiner described that Smith had four blunt-force lacerations to her face. He described the first as being to her right eye, with bleeding in the soft tissue surrounding the eye. The second was a large laceration to her central forehead area that extended below her right eye. The third was a large laceration on the left side of her forehead that extended to the end of her left eyebrow. The fourth was under her left lower eyelid. In addition to the major lacerations, the medical examiner noted that she had extensive bleeding and swelling in her brain, bruises and lacerations to her upper and lower lips, and bruises on her right and left arms.

The location of the bruises corroborates Lawrence's testimony that he struck Smith exclusively and repeatedly in the face. He did not aim any blows at her body. At the time, she was on the ground, pinned beneath Lawrence's body. He was substantially taller and heavier than her. By his own admission, at least one of her hands was pinned to the ground, which prevented her from using the gun. Hamilton's testimony allows for an inference that while Smith was being beaten, Lawrence told her to "stay down," "go to sleep," and "stay down." And based upon the testimony of Smith's cousin, the record supports a finding that Smith was crying while Lawrence pummeled her to death with his fists. Finally, it can be inferred that Lawrence told Smith's cousin over the phone that Smith was a "disrespectful bitch" who was "getting her ass beat." Such comments can certainly be considered to be intended to taunt or humiliate.[9]

In light of the foregoing, it is clear that Lawrence's actions involved excessive violence beyond the minimum required to commit the offense of second-degree murder. See *Hardy*, 494 Mich at 442-443. As such, the trial court did not err by scoring OV 7 at 50 points based upon Lawrence's excessive brutality.

Affirmed.

/s/ Sima G. Patel
/s/ Michael J. Kelly
/s/ Kristina Robinson Garrett

[9] Again, however, evidence of taunting or humiliation is not required to support a finding of excessive brutality. See *Rosa*, 322 Mich App at 743 (defining the term "excessive brutality" for purposes of OV 7).