# CAPTION: STATE V. FRENCH

**04-03-24**

APPEAL NO.: C-230275

TRIAL NO.: B-2202579

KEY WORDS: ASSAULT — SELF-DEFENSE — MANIFEST WEIGHT — ABUSE OF DISCRETION — IMPEACHMENT — EVID.R. 609

SUMMARY:

Where defendant’s honest belief of imminent bodily harm was not objectively reasonable, the trial court did not lose its way and create a manifest miscarriage of justice with respect to its finding that the state had disproven at least one element of self-defense beyond a reasonable doubt.

Where defendant’s counsel did not actually impeach the state’s witness regarding a prior criminal conviction under Evid.R. 609 and agreed to move on after the trial court struck the witness’s testimony regarding the prior conviction, the trial court did not abuse its discretion in excluding evidence of the witness’s prior criminal conviction.

JUDGMENT: AFFIRMED

JUDGES: OPINION by KINSLEY, J.; ZAYAS, P.J., and WINKLER, J., CONCUR.