

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DEBRA ANN KNIFFEN,

Defendant-Appellant.

UNPUBLISHED

February 4, 1997

No. 191197

Oakland Circuit Court

LC No. 95-137048

Before: Fitzgerald, P.J., and MacKenzie and A.P. Hathaway*, JJ.

PER CURIAM.

Following a jury trial, defendant was convicted of armed robbery, MCL 750.529; MSA 28.797, and possession of a firearm during the commission of a felony, MCL 750.227b; MSA 28.424(2). She was sentenced to three to twenty years' imprisonment, and two years' imprisonment, to be served consecutively. Defendant now appeals as of right. We affirm.

During deliberations, the jury requested a copy of the transcripts. The trial court denied the request and told the jury that the transcripts were not available. The jury then proceeded to find defendant guilty. Defendant argues that she was denied a fair trial when the court denied jurors the opportunity to review the trial transcripts. However, because defendant did not object below to the instruction given by the trial court to the jury, review by this Court is foreclosed unless manifest injustice would result. *People v Van Dorsten*, 441 Mich 540, 544-545; 494 NW2d 737 (1993). Both counsel were present when the trial court responded to the jury's request, and both were given an opportunity to object on the record but did not. In fact, after the jury left the courtroom, the trial court asked both the prosecutor and the defense attorney whether they were satisfied with the instruction given the jury, and both responded that they were. Defendant has not established that prejudice resulted from the jurors' inability to read the transcript, and we find that no manifest injustice will result from this Court's failure to review the instruction. *People v Wytcherly (On Rehearing)*, 176 Mich App 714, 716; 440 NW2d 107 (1989); *People v Grant*, 445 Mich 535, 546, 552; 520 NW2d 123 (1994).

* Circuit judge, sitting on the Court of Appeals by assignment.

Affirmed.

/s/ E. Thomas Fitzgerald
/s/ Barbara B. MacKenzie
/s/ Amy Patricia Hathaway