

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee

v

MARVIN F. LEE,

Defendant-Appellant

UNPUBLISHED

May 30, 1997

No. 178347

Recorder's Court

LC No. 93-1146

Before: White, P.J., and MacKenzie and E. R. Post*, JJ.

MEMORANDUM.

Defendant first contends that the trial court erred in failing to permit cross-examination of the arresting officer on the basis of having identified defendant as the "complainant" in his preliminary complaint report form. Assuming this was error under MRE 106, the error was obviously of a mechanical nature; no suggestion of any kind appears in the record that defendant was actually the complainant with respect to an offense of carrying a pistol in a motor vehicle, felonious assault against a police officer, fleeing and eluding police officers, or possession of a firearm in the commission of a felony. The issue at trial is whether defendant possessed a pistol or not, not whether defendant was the complainant. Given the care with which the jury sifted through the various charges, no rational juror would have been persuaded to vote for acquittal of the remaining charges merely by virtue of awareness that the arresting officer had made a mechanical error in filling out a report form. Accordingly, defendant's substantial rights were not violated by any error in the trial court's evidentiary ruling, and appellate relief is therefore unwarranted. MRE 103(a); *People v Grant*, 445 Mich 535, 545; 520 NW2d 1 (1994).

Defendant's remaining contention is that the prosecutor deprived him of a fair trial by the manner in which closing argument was conducted. Defendant's brief identifies only portions of the prosecutor's closing argument which addressed charges of felonious assault and felony firearm, and inasmuch as defendant was acquitted of those offenses, any error in this respect was clearly harmless. *People v Bahoda*, 448 Mich 261; 531 NW2d 659 (1995).

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

Defendant's convictions are accordingly affirmed.

/s/ Helene N. White

/s/ Barbara B. MacKenzie

/s/ Edward R. Post