

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DEVON RENISE WATTS,

Defendant-Appellant.

UNPUBLISHED

December 19, 1997

No. 195465

Newaygo Circuit Court

LC No. 95-006006-FC

Before: Hood, P.J., and McDonald and White, JJ.

MEMORANDUM.

Following a jury trial, defendant was convicted of first-degree murder, MCL 750.316; MSA 28.548; and possession of a firearm at the time of commission of a felony (felony-firearm), MCL 750.227b; MSA 28.424(2). She was sentenced to life in prison for the murder conviction, and to two years' imprisonment for the felony-firearm conviction. Defendant now appeals as of right. We affirm.

Defendant, who was seventeen, was convicted of murdering her seventy-three year old fiancé. Defendant argues that the trial court erred by allowing the prosecutor to present rebuttal testimony that defendant had sexual relations with a friend only hours after the death of the victim. Defendant did not object to this rebuttal testimony. An evidentiary issue is not preserved when there is a failure to object at trial, *People v Jones*, 203 Mich App 384; 513 NW2d 175 (1994), and we review only for a miscarriage of justice.

In light of the overwhelming evidence against defendant, we conclude this limited testimony was not decisive of the outcome, and find no miscarriage of justice.

Defendant next argues that she was denied her state and federal constitutional right to the effective assistance of counsel where trial counsel failed to object to the rebuttal testimony. Given the overwhelming weight of the other evidence, defendant cannot show that she was deprived of a fair trial with a reliable result, or that there is a reasonable probability that, but for the failure to object, the result would have been different.

Affirmed.

/s/ Harold Hood

/s/ Gary R. McDonald

/s/ Helene N. White