

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

VERNON TOWNS, JR.,

Defendant-Appellant.

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UNPUBLISHED

July 7, 1998

No. 200905

Recorder's Court

LC No. 96-005475

Before: MacKenzie, P.J., and Whitbeck and G.S. Allen, Jr.\*, JJ.

MEMORANDUM.

Following a jury trial, defendant was convicted of larceny from the person, MCL 750.357; MSA 28.589, and was sentenced to four to ten years' imprisonment. He appeals as of right. We affirm.

Defendant first contends that the trial court erred when it failed to sua sponte give a limiting jury instruction regarding evidence of defendant's prior breaking and entering conviction. This Court, however, has held that a trial court is not required, sua sponte, to give a limiting instruction regarding the use of a defendant's prior record for impeachment. *People v Flynn*, 93 Mich App 713, 723; 287 NW2d 329 (1979); *People v Haukom*, 56 Mich App 244, 248; 223 NW2d 648 (1974);. Reversal on this ground is not required.

Defendant next claims that certain remarks made by the prosecutor during closing argument constituted prosecutorial misconduct necessitating a new trial. We disagree. Because defendant did not object to the remarks, appellate review is precluded unless the prejudicial effect could not have been cured by a cautionary instruction or failure to consider the issue would result in a miscarriage of justice. *People v Stanaway*, 446 Mich 643, 687; 521 NW2d 557 (1994). In this case, the prosecutor's remarks, taken in context, were not improper because they were made in direct response to defense counsel's arguments and were supported by the evidence presented during trial. In addition, a prosecutor may properly argue from the evidence that the defendant or

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

any other witness is not worthy of belief. *People v Launsburry*, 217 Mich App 358, 361; 551 NW2d 460 (1996). Because any possible prejudice arising from the prosecutor's closing argument could have been cured by a cautionary instruction, we decline to reverse on this ground.

Affirmed.

/s/ Barbara B. MacKenzie

/s/ William C. Whitbeck

/s/ Glenn S. Allen, Jr.