

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ELLIS W. MALLICOAT,

Defendant-Appellant.

UNPUBLISHED

September 21, 1999

No. 206352

Recorder's Court

LC No. 96-007716

Before: McDonald, P.J., and Kelly and Cavanagh, JJ.

MEMORANDUM.

Defendant was convicted by a jury of third-degree criminal sexual conduct, MCL 750.520d(1)(b); MSA 28.788(4)(1)(b), and sentenced to a term of three to fifteen years' imprisonment. He appeals as of right. We affirm.

Defendant argues that the trial judge made comments, rulings, and interruptions that prejudiced the jury and deprived him of a fair trial.

Because defendant has not provided a transcript of the jury voir dire proceedings, appellate review of this issue is waived to the extent that defendant complains of misconduct that allegedly occurred during voir dire. *People v Anderson*, 209 Mich App 527, 535; 531 NW2d 780 (1995). Additionally, the record discloses that defendant did not object to any of the remaining specific instances of alleged judicial misconduct identified in his brief. Accordingly, appellate review of these claims is precluded absent manifest injustice. *People v Paquette*, 214 Mich App 336, 340; 543 NW2d 342 (1995). After carefully reviewing the trial court's allegedly improper comments and questions in context, we conclude that the trial court did not engage in judicial misconduct such that defendant was denied a fair trial. See *People v McIntire*, 232 Mich App 71, 104-105; 591 NW2d 231 (1998); *People v Cheeks*, 216 Mich App 470, 480; 549 NW2d 584 (1996). Accordingly, manifest injustice has not been shown.

Affirmed.

/s/ Gary R. McDonald

/s/ Michael J. Kelly
/s/ Mark J. Cavanagh