STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN, Plaintiff-Appellee,	UNPUBLISHED February 1, 2000
v	No. 207777 Oakland Circuit Court
DEON L. PEOPLES, Defendant-Appellant.	LC No. 97-151539-FH

Before: Bandstra, C.J., and Holbrook, Jr., and Fitzgerald, JJ.

PER CURIAM.

Defendant appeals as of right from his jury trial conviction of possession with intent to deliver less than fifty grams of cocaine, MCL 333.7401(2)(a)(iv); MSA 14.15(7401)(2)(a)(iv), felon in possession of a firearm (felon-in-possession), MCL 750.224f; MSA 28.421(6), possession of marijuana, MCL 333.7403(2)(d); MSA 14.15(7403)(2)(d), and possession of a firearm during the commission of a felony (felony-firearm), MCL 750.227b; MSA 28.424(2). Defendant was sentenced as an habitual offender, fourth offense, MCL 769.12; MSA 28.1084, to concurrent terms of three to thirty years for the possession with intent to deliver cocaine conviction and two to seven and one-half years for the felon-in-possession conviction. Defendant also received a consecutive two-year term for the felony-firearm conviction, and ninety days in jail for the possession of marijuana conviction. We affirm.

Defendant first contends that evidence seized during a search of his apartment should have been suppressed because the search warrant contained the wrong address for his apartment and the affidavit in support of the search warrant erroneously made reference to a mobile home. We review a trial court's ruling on a motion to suppress evidence as illegally seized for clear error. *People v Hampton,* 237 Mich App 143, 148; __ NW2d __ (1999).

The search warrant described the place to be searched as follows:

> All rooms, compartments, hallways, storage areas, porches, garages, curtilage, and any accessible attic's [sic] or basements therefrom of; 158 Summit; upstairs N/E apt., the door of entry is on the N/W side of the building, Pontiac, Michigan. Said dwelling is a

> two story, multi-family apartment building located on the S/E corner of Summit and Hudson. The dwelling is a brick structure w/white trim, with the numbers "158" attached to the front of the dwelling facing Summit, Pontiac, Michigan. . . . .

The affidavit in support of the search warrant described the place to be searched as follows:

> All rooms, compartments, hallways, storage areas, porches, garages, curtilage, and any accessible attic or basements therefrom of; 158 Summit upstairs N/E apt. St. Pontiac, Michigan. Said dwelling is a two story multi-dwelling apt. building located on the S/E corner of Summit and Hudson. fourth mobile home north of Walton Blvd. The dwelling is a brick structure w/white trim, with the numbers "158" attached to the front of the dwelling facing Summit, Pontiac, Michigan. . . .

As it turned out, the address of the residence searched is not 158 Summit but 147 Hudson. Defendant argues that the failure to properly identify the correct address of the residence evidences a reckless disregard for the truth on the part of the police. We disagree. The affiant for the search warrant testified that the only number displayed on the outside of the building was the number "158 on the exterior door, which ran on Summit" Under these circumstances, we believe the mistake regarding the proper street address was merely an innocent mistake. See *People v Price (On Remand)*, 91 Mich App 328, 331; 283 NW2d 736 (1979).

We also reject defendant's contention that the mistaken reference in the affidavit to a mobile home evidences a reckless disregard for the truth. The affiant testified that this error was caused by failing to remove the mobile home reference from the computer template used in preparing the affidavit. The plain language of the affidavit supports this contention. The affidavit states that the residence is a "two story multi-dwelling ap[artment]." It is clear that this description conflicts with the reference to a mobile home. Further, we observe that the mobile home reference begins in lower case, as if it were indeed a leftover clause from a previous affidavit. Finally, we note that the erroneous language was not included in the search warrant.

We also see no error in the trial court's decision not to exclude the evidence seized under the search warrant. *Hampton, supra* at 148. The record establishes that the affiant herself was present when the search warrant was executed, and that with the exception of the erroneous address, the warrant contained an accurate description of the building and the location of defendant's apartment therein. *Hampton, supra* at 154. We believe this "description is such that the officer[s could], with reasonable effort, ascertain and identify the place intended." *Steele v United States*, 267 US 498, 503; 45 S Ct 414; 69 L Ed 757 (1925). Indeed, there is no question that the police did in fact search the correct apartment. Under these circumstances, we believe there was no reasonable probability that as a result of the two identified errors, the police would search the wrong premises by mistake. *Hampton, supra* at 154.

Defendant also claims that he is entitled to a new trial because of prosecutorial misconduct. Again, we disagree. Defendant failed to preserve most of his allegations of error by raising an appropriate objection or request a curative instruction. *People v Stanaway*, 446 Mich 643, 687; 521 NW2d 557 (1994). We conclude that manifest injustice will not result from a failure to consider these claims of error. *People v McElhaney*, 215 Mich App 269, 284; 545 NW2d 18 (1996).[1] As for defendant's one preserved claim of error, we believe that it did not involve conduct so prejudicial as to deny him a fair and impartial trial. *People v Rice (On Remand)*, 235 Mich App 429, 435; 597 NW2d 843 (1999).

Affirmed.

/s/ Richard A. Bandstra
/s/ Donald E. Holbrook, Jr.
/s/ E. Thomas Fitzgerald

[1] We note that many of the allegedly improper remarks were made in response to defense counsel's argument. *People v Kennebrew*, 220 Mich App 601, 608; 560 NW2d 354 (1996).