

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

V

KENNETH MICHAEL RINNERT,

Defendant-Appellant.

UNPUBLISHED

November 26, 2002

No. 234540

Huron Circuit Court

LC No. 99-004115-FH

Before: Griffin, P.J., and Gage and Meter, JJ.

MEMORANDUM.

Defendant appeals as of right his jury conviction for OUIL, third offense, MCL 257.625, and violating driver's license restrictions, MCL 257.312. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

On appeal, defendant asserts that the trial court abused its discretion in denying a mistrial after a prospective juror stated that he had prior contact with defendant as a jail inmate. The court individually questioned the jurors, who each stated that the information would not have an impact on how the case was decided.

A trial court's denial of a mistrial will not be reversed on appeal absent an abuse of discretion. *People v Haywood*, 209 Mich App 217, 228; 530 NW2d 497 (1995). A mistrial should only be granted for an irregularity that is prejudicial to the rights of the defendant and impairs his ability to get a fair trial. *Id* In general, an unresponsive, volunteered answer to a proper question is not grounds for the granting of a mistrial. *Id*. The mention of a prior felony conviction to a jury pool, which is countered by a proper instruction, does not result in manifest injustice. *People v Rodgers*, 248 Mich App 702, 714-715; 645 NW2d 294 (2001).

The trial court did not abuse its discretion in denying a new trial. The jury was instructed that the information was not relevant to the case, and they stated that it would not have an impact on their decision. There is no showing that defendant was denied a fair trial.

Affirmed.

/s/ Richard Allen Griffin

/s/ Hilda R. Gage

/s/ Patrick M. Meter