

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ALVIN RAY STRICKLAND,

Defendant-Appellant.

UNPUBLISHED

March 16, 2004

No. 244659

Wayne Circuit Court

LC No. 01-014159

Before: Cooper, P.J., and O'Connell and Fort Hood, JJ.

MEMORANDUM.

Defendant was convicted, following a jury trial, of armed robbery, MCL 750.529, and possession of a firearm during the commission of a felony, MCL 750.227b. He was sentenced to forty-two months to ten years' imprisonment for the armed robbery conviction and two years' imprisonment for the felony-firearm conviction. Defendant appeals as of right, and we affirm.

Defendant entered a beauty supply store where he threatened the store clerk with a shotgun and ordered her to open the register. On the way out of the store, defendant took the coat of a customer. Police received a radio bulletin of an armed robbery in progress and found defendant walking in the area, matching the description of the perpetrator. When approached by police, defendant admitted that he knew the police were investigating the robbery at the store. Defendant admitted that he committed the robbery, but alleged that he did so under duress based on orders of an acquaintance, known only as "Swiss." Defendant learned that Swiss had committed both a robbery and homicide, and he was afraid of him. Defendant met Swiss in Canada and did not know his full name or his address.

Defendant first alleges that he was subjected to an unduly suggestive lineup. This issue was not preserved for appellate review, and plain error affecting substantial rights has not been established. *People v Carines*, 460 Mich 750, 774; 597 NW2d 130 (1999). Identification was not at issue in this case because defendant admitted that he was the perpetrator.

Defendant next alleges that the prosecutor failed to produce res gestae witness "Swiss." Although the prosecution must provide reasonable assistance to produce witnesses upon request, *People v Callon*, 256 Mich App 312, 326-327; 662 NW2d 501 (2003), there is no indication from the record that defendant made such a request.

Affirmed.

/s/ Jessica R. Cooper
/s/ Peter D. O'Connell
/s/ Karen M. Fort Hood