

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

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ROY L. WILLIAMS,

Defendant-Appellant.

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UNPUBLISHED

March 30, 2004

No. 244815

Washtenaw Circuit Court

LC No. 02-000251-FH

Before: Zahra, P.J., and Saad and Schuette, JJ.

MEMORANDUM.

The jury convicted defendant of first-degree home invasion, MCL 750.110a(2), and the court sentenced defendant to two to twenty years in prison. He appeals as of right, and we affirm.

On January 17, 2002, defendant broke into Ivory Starr's townhouse, sprayed Starr with pepper gas, hit Starr in the head, and threatened to kill Starr. Starr was with Mikkia Hill, who had previously been involved in a relationship with defendant. Defendant claimed that he believed he was defending Hill from attack by Starr. However, Hill and Starr testified that they were having consensual sexual relations. The prosecutor's theory was that defendant broke into the townhouse and attacked Starr because he was jealous.

Defendant argues that the trial court erroneously admitted testimony regarding a previous incident in which defendant allegedly smashed the windshield of a car because he believed Hill was romantically involved with the owner. Defendant argues that it was not relevant to any issue and that it was improper character evidence admitted in violation of MRE 404(b). However, at trial defendant indicated that he had no objection to this testimony so long as it was also brought out that Hill's son said that the incident never happened and that defendant was never charged with a crime in connection with the incident. Because defendant did not object on any specific grounds, and the basis of the objection was not otherwise readily apparent, defendant is entitled to relief only if he can prove plain error affecting a substantial right. MRE 103(a)(1) and (d); *People v Carines*, 460 Mich 750; 597 NW2d 130 (1999).

Defendant's intent in entering the house is at issue here because defendant said that he went into the house to rescue Hill, not to attack Starr because of jealousy, the challenged evidence is relevant to show his intent. Accordingly, there was no plain error in its admission.

Affirmed.

/s/ Brian K. Zahra

/s/ Henry William Saad

/s/ Bill Schuette