

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ANTHONY BRIAN MELLON,

Defendant-Appellant.

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UNPUBLISHED

August 10, 2010

No. 292165

Saginaw Circuit Court

LC No. 08-031007-FH

Before: MURRAY, P.J., and DONOFRIO and GLEICHER, JJ.

MEMORANDUM.

Defendant Anthony Brian Mellon appeals as of right his jury trial conviction of third degree fleeing and eluding. MCL 750.479a(3). Mellon was sentenced as a fourth habitual offender, MCL 769.12, to 72 to 120 months' imprisonment, to be served consecutive to a previous sentence. We affirm.

Mellon's only challenge is his assertion that the trial court failed to fully instruct the jury on the statutory elements comprising the charged offense. Specifically, he claims the trial court erred in instructing the jury that as an element of the offense, police were merely required to have "ordered the defendant to stop his vehicle." Mellon contends this was insufficient, as the statutory language requires the police to order a defendant to stop "with his hand, voice, siren, or emergency lights."

Although the instructions provided by the trial court were adequate to present the issues to be tried, *People v Aldrich*, 246 Mich App 101, 124-125; 631 NW2d 67 (2001), we need not address Mellon's argument because the issue has been waived. At the close of the prosecutor's proofs, the trial court indicated it had provided copies of the jury instructions to both counsel. When queried whether counsel had "[a]ny objections, deletions or corrections," Mellon's attorney clearly responded, "No." After the jury was charged, defense counsel affirmatively indicated to the trial court his satisfaction with the instructions. Having twice indicated approval of the jury instructions, Mellon has effectively waived this issue for purposes of appeal. *People v Lueth*, 253 Mich App 670, 688; 660 NW2d 322 (2002).

Affirmed.

/s/ Christopher M. Murray

/s/ Pat M. Donofrio

/s/ Elizabeth L. Gleicher