STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

LARRY SINGLETON,

Defendant-Appellant.

UNPUBLISHED
January 10, 1997

No. 181015
LC No. 94-000378

Before: Taylor, P.J., and Gribbs and R. D. Gotham,* JJ.

PER CURIAM.

Defendant appeals as of right his jury trial convictions of assault with intent to do great bodily harm less than murder, MCL 750.84; MSA 28.279, and possession of a firearm during the commission of a felony, MCL 750.227b; MSA 28.424(2). Defendant was sentenced to three to ten years' imprisonment on the assault conviction and the mandatory two years' imprisonment for the felony-firearm conviction. We affirm.

Defendant first argues that the trial court clearly erred when it denied his motion to suppress on the ground that his statement to the police was involuntary. We disagree.

When reviewing a trial court's determination of voluntariness, this Court must examine the entire record and make an independent determination. *People v Brannon*, 194 Mich App 121, 131; 486 NW2d 83 (1992). A finding is clearly erroneous if it leaves this Court with a definite and firm conviction that a mistake has been made. *People v Kvam*, 160 Mich App 189, 196; 408 NW2d 71 (1987).

The trial court did not err when it refused to suppress defendant's statement to the police. Defendant was in custody for less than a day when he was questioned by one officer for approximately an hour. Defendant, who was nineteen years old, had graduated from high school and could read and write. He had also had prior contact with the police and was thus familiar with the legal system. Further, there was no evidence of any unnecessary delay in the arraignment of defendant. *People v*

* Circuit judge, sitting on the Court of Appeals by assignment.

Cipriano, 431 Mich 315, 334; 429 NW2d 781 (1988); *People v Haywood*, 209 Mich App 217, 225-226; 530 NW2d 497 (1995). With regard to defendant's mental and physical state and whether he had been threatened or abused, the police testified that defendant showed no evidence of any cuts or bruises and did not request any medical attention. The police also testified that defendant was not threatened, abused, or in any way coerced into making a statement. Contrary to the officers' testimony, defendant stated that he was pushed around his mother's apartment, thrown down two flights of stairs, and was subsequently beaten by the police while in the patrol car. Defendant testified that his lip was cut, his face was swollen, he was spitting blood, and he requested medical assistance and was told to be quiet. Defendant further said that he only made the statement because he was afraid that the police were going to beat him again. In deciding the motion, the trial court specifically stated that it did not believe anything that defendant or his family said. Deference is to be given to the trial court's assessment of the weight of the evidence and credibility of the witnesses. *People v Young*, 212 Mich App 630, 634; 538 NW2d 456 (1995). In light of this testimony, as well as evidence that defendant read and understood his advice of rights form, initialed the form, and read and corrected his statement before signing it, this Court is not left with a definite and firm conviction that the trial court made a mistake when it declined to suppress defendant's statement. *Kvam*, *supra* at 196.

Next, defendant contends that the trial court erred in determining that he did not have standing to challenge the search of his mother's home. We disagree.

The trial court's decision following a suppression hearing will not be reversed unless it is clearly erroneous. *People v Houstina*, 216 Mich App 70, 73; 549 NW2d 11 (1996). The trial court here properly denied defendant's motion. Defendant had no expectation of privacy in his mother's home. Even though defendant occasionally stayed at his mother's home and received his mail there, defendant himself admitted that he did not reside there. He certainly had no expectation of privacy with respect to his mother's dresser, where the gun was found. As such, when looking at the totality of the circumstances surrounding the search, because defendant had no justifiable expectation of privacy in either his mother's home or her dresser, defendant had no standing to challenge the search. *People v Perlos*, 436 Mich 305, 317-318; 462 NW2d 310 (1990); *People v Lombardo*, 216 Mich App 500, 504; 549 NW2d 596 (1996); *People v Boykin*, 119 Mich App 763, 766; 327 NW2d 351 (1982).

Finally, defendant argues that the trial court erred when it declined to give a cautionary instruction to the jury regarding a shooting for which defendant was not charged. We disagree.

Jury instructions are to be read as a whole rather than extracted piecemeal to establish error. *People v Bell*, 209 Mich App 273, 276; 530 NW2d 167 (1995). Even if somewhat imperfect, instructions do not create error if they fairly presented the issues to be tried and sufficiently protected the defendant's rights. *People v Wolford*, 189 Mich App 478, 481; 473 NW2d 767 (1991).

Where other criminal acts are inseparable parts of the total circumstances of the crime for which a defendant is charged, evidence that "completes the story" is admissible. *People v Delgado*, 404 Mich 76, 83; 273 NW2d 395 (1978); *People v Crowell*, 186 Mich App 505, 508; 465 NW2d 10 (1990). As such, this evidence surrounding the earlier shooting was properly admitted. Also, because

both the trial court and the prosecutor specified the date on which the incident occurred before the presentation of evidence, the jury was well aware of the fact that defendant was only charged with the shooting that occurred on December 10, 1993. Thus, there was no need to issue a further cautionary instruction. The instructions as given fairly presented the issues to be tried and sufficiently protected the defendant's rights. *Wolford*, *supra* at 481.

Affirmed.

/s/ Clifford W. Taylor
/s/ Roman S. Gribbs
/s/ Roy D. Gotham