STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

HERMAN JOHN HAISMA,

Defendant-Appellant.

UNPUBLISHED
September 2, 1997

No. 192300
Kent Circuit Court
LC No. 95-001574-FC

Before: Sawyer, P.J., and Neff and A. L. Garbrecht*, JJ.

PER CURIAM.

Defendant was convicted, following a jury trial, of kidnapping, MCL 750.349; MSA 28.581, possession of a firearm during the commission of a felony, MCL 750.227b; MSA 28.424(2), two counts of resisting and obstructing a police officer, MCL 750.479; MSA 28.747, and felon in possession of a firearm, MCL 750.224f; MSA 28.421(6). He was sentenced to twenty to thirty years in prison on the kidnapping conviction, one to two years for each resisting and obstructing conviction, two years, six months to five years in prison on the felon in possession conviction, and to the mandatory two-year term for the felony-firearm conviction. He now appeals and we affirm.

Defendant first argues that there was insufficient evidence to convict him of felony-firearm. We disagree. We review this issue by looking at the evidence in the light most favorable to the prosecution and determining whether a rational trier of fact could find each element of the offense proven beyond a reasonable doubt. *People v Head*, 211 Mich App 205; 535 NW2d 563 (1995). Defendant asserts that there was no evidence that the firearm was accessible and available to him during the commission of the kidnapping. However, the victim testified that defendant acted as if the gun were in the back seat of the car and that he was reaching for it, that defendant told her that there was a gun in the car he had purchased for his father, and a police officer testified that a gun was found on the floor behind the driver's seat. A rational trier of fact could believe this evidence and conclude that defendant possessed a firearm during the commission of the kidnapping.

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

Next, defendant argues that he was denied a fair trial when the trial court refused to sever the charge of felon in possession of a firearm from the remaining charges. We disagree. The trial court recognized that severance was within its discretion, MCR 6.120, and denied defendant's motion because there was no potential for confusion or prejudice and because the witnesses would be inconvenienced. We are not persuaded that the trial court abused its discretion. The offenses were all part of the same criminal transaction, therefore they can properly be joined under MCR 6.120. Furthermore, we do not believe there is any undue prejudice to defendant because of the joinder—the jury was not exposed to details of the prior offenses to an extent that it would enflame their passions. See *United States v Felici*, 54 F3d 504 (CA 8, 1995), and *United States v Neal*, 36 F3d 1190 (CA 1, 1994).

Defendant also argues that the trial court erred by waiving the statutory requirement that the prosecutor establish a specific prior felony under the felon in possession charge. However, the parties stipulated to the fact that defendant was convicted of a specified felony within the applicable time period. Accordingly, the trial court did not err.

Defendant next argues that he was denied a fair trial because of the prosecutor's repeated references to him as a felony parolee. However, defendant failed to preserve this issue for appeal by raising the appropriate objection in the trial court. *People v Lee*, 212 Mich App 228, 245; 537 NW2d 233 (1995).

Finally, defendant argues that the trial court erred by requiring that defendant serve the remainder of his sentence before beginning to serve the sentences in the case at bar. However, the trial court did not, in fact, impose this as a condition of sentence. Rather, the trial court merely noted that, by statute, the sentences are to be served consecutively. The question of defendant's parole eligibility will be addressed by the Parole Board at the appropriate time in accordance with statute.

Affirmed.

/s/ David H. Sawyer
/s/ Janet T. Neff
/s/ Allen L. Garbrecht