

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

VANDEL D. LEWIS,

Defendant-Appellant.

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UNPUBLISHED

September 22, 1998

No. 202534

Recorder's Court

LC No. 95-011426

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

MEMORANDUM.

Defendant appeals by right his conviction of possession of a firearm during the commission of a felony, MCL 750.227b; MSA 28.424(2), entered after a jury trial. We affirm.

Defendant was charged with four counts of assault with intent to commit murder, MCL 750.83; MSA 28.278, and felony-firearm, based on allegations that he fired a shot into a vehicle after a traffic altercation. After extensive deliberations and repeated instructions, the jury convicted defendant of felony-firearm only. On appeal, defendant claims that the court gave improper instructions. Defendant failed to object to the instructions at trial.

Pursuant to MCL 768.29; MSA 28.1052, a verdict shall not be set aside where the court fails to instruct with regard to any point of law unless the defendant requests such an instruction. *People v Maleski*, 220 Mich App 518, 521; 560 NW2d 71 (1996). Instructional error will not be considered on appeal unless the issue has been preserved by an objection to the instruction in the trial court. *People v Van Dorsten*, 441 Mich 540, 545; 494 NW2d 737 (1993). Relief will be granted absent an objection only in cases of manifest injustice. *Id.* There is no manifest injustice where the instructions as a whole fairly presented the issues to be tried and accurately stated the law. *People v Flowers*, 222 Mich App 732, 735; 565 NW2d 12 (1997).

Affirmed.

/s/ Harold Hood  
/s/ Richard Allen Griffin  
/s/ Peter D. O'Connell