

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

BRENTON URAL MOSSMAN, a/k/a BRENT
URAL MOSSMAN,

Defendant-Appellant.

UNPUBLISHED
October 16, 1998

No. 202353
Jackson Circuit Court
LC No. 96-076781 FC

Before: Corrigan, C.J., and Doctoroff and Fitzgerald, JJ.

PER CURIAM.

Following a jury trial, defendant was convicted of two counts of first-degree murder, MCL 750.316; MSA 28.548, first-degree home invasion, MCL 750.110a(2); MSA 28.305(2), and conspiracy to commit first-degree home invasion, MCL 750.157(a); MSA 28.354(1). He was sentenced to life imprisonment without parole for each of the first-degree murder convictions, and to concurrent sentences of twelve to twenty years' imprisonment each for the first-degree home invasion and conspiracy convictions. He appeals as of right. We affirm.

Viewed most favorably to the prosecution, the evidence was sufficient to enable the jury to find defendant guilty beyond a reasonable doubt of the charged crimes. *People v Hoffman*, 225 Mich App 103, 111; 570 NW2d 146 (1997). Also, the trial court did not abuse its discretion in denying defendant's motion for a new trial on the ground that the jury's verdicts were against the great weight of the evidence. *People v Leonard*, 224 Mich App 569, 578; 569 NW2d 663 (1997). Contrary to defendant's argument, the trial court did not use the wrong legal standard in evaluating his motion for a new trial. *People v Lemmon*, 456 Mich 625, 627; 576 NW2d 129 (1998).

Next, defendant was not denied a fair trial when the prosecutor introduced, without objection, the terms of Delarosa's plea agreement, which included a promise to testify truthfully. In disclosing this evidence, the prosecutor did not suggest that the government had some special knowledge that Delarosa was testifying truthfully. *People v Bahoda*, 448 Mich 261, 276-277; 531 NW2d 659

(1995); *People v Enos*, 168 Mich App 490, 492; 425 NW2d 104 (1988); *People v Federico*, 146 Mich App 776, 796; 381 NW2d 819 (1985).

The record does not indicate that the trial court abused its discretion when ruling that defendant's leg restraints were to be left on during trial. *People v Dixon*, 217 Mich App 400, 404-405; 552 NW2d 663 (1996). Indeed, the record fails to indicate that defendant requested that the leg restraints be removed, or that they were visible to the jury. A showing of prejudice has not been made. *People v Solomon (Amended Opinion)*, 220 Mich App 527, 531-532; 560 NW2d 651 (1996); *People v Robinson*, 172 Mich App 650, 654; 432 NW2d 390 (1988).

Finally, the trial court did not commit an error of law or abuse its discretion when it admitted a coconspirator's out-of-court statement pursuant to MRE 801(d)(2)(E). There was independent proof of the conspiracy before admission of the statement. *People v Burton*, 433 Mich 268, 281-282; 445 NW2d 133 (1989); *People v Vega*, 413 Mich 773, 780; 321 NW2d 675 (1982).

Affirmed.

/s/ Maura D. Corrigan
/s/ Martin M. Doctoroff
/s/ E. Thomas Fitzgerald