

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DAVID HANG,

Defendant-Appellant.

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UNPUBLISHED

June 30, 2000

No. 213423

Wayne Circuit Court

LC No. 98-001920

Before: Owens, P.J., and Neff and Fitzgerald, JJ.

MEMORANDUM.

Following a jury trial, defendant was convicted of five counts of assault with intent to murder, MCL 750.83; MSA 28.278, and one count of possession of a firearm during the commission of a felony, MCL 750.227b MSA 28.424(2). He was sentenced to concurrent prison terms of fifteen to thirty years for each assault conviction and to a consecutive two-year term for the felony-firearm conviction. Defendant appeals as of right. We affirm.

Defendant's sole issue on appeal is that the prosecutor improperly vouched for the credibility of the prosecution witnesses and injected her personal opinion into the case. Because he did not object at trial to the alleged improper comments, appellate review is precluded unless a curative instruction could not have eliminated possible prejudice or failure to consider the issue would result in a miscarriage of justice. *People v Stanaway*, 446 Mich 643, 687; 521 NW2d 557 (1994); *People v Kelly*, 213 Mich App 627, 638; 588 NW2d 480 (1998).

Our review of the record reveals that any prejudice to defendant resulting from the prosecutor's comments during closing arguments could have been cured by a timely objection and curative instruction.<sup>1</sup> Therefore, a miscarriage of justice will not result from our failure to review this unpreserved issue.

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<sup>1</sup> We caution the prosecutor, however, to avoid vouching for the credibility of witnesses. See, e.g., *People v Ramsdell*, 230 Mich App 386, 404; 585 NW2d 1 (1998).

Affirmed.

/s/ Donald S. Owens

/s/ Janet T. Neff

/s/ E. Thomas Fitzgerald