

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

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MICHAEL JOHN STEPHANIAN,

Defendant-Appellant.

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UNPUBLISHED

July 7, 2000

No. 213328

Oakland Circuit Court

LC No. 97-154454-FH

Before: Jansen, P.J., and Hood and Saad, JJ.

MEMORANDUM.

Defendant was convicted by a jury of carrying a concealed weapon, MCL 750.227; MSA 28.424, and failure to display driver's license upon demand of an officer, MCL 257.311; MSA 9.2011. He appeals as of right. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

On appeal, defendant argues that he was denied a fair trial because of the "pressure put upon the jury by the trial court to obtain a verdict" after the jury indicated that it was deadlocked. Generally, the failure of the defendant to object to supplemental instructions given to a deadlocked jury serves as a waiver of any error in that regard. *People v Hardin*, 421 Mich 296, 322-323; 365 NW2d 101 (1984); MCR 2.516(C). To avoid waiver in this case, defendant correspondingly argues that his trial counsel was ineffective in failing to object to the trial court's supplemental instructions. We find no merit to defendant's argument.

Our review of the record indicates that the jury deliberated for a total of about four hours before reaching an unanimous verdict. Thus, it would appear that the first notes from the foreperson indicating deadlock came after only a couple of hours of deliberation and out of frustration that one juror refused to participate because of religious beliefs. Under such circumstances, the trial court's supplemental instructions to the jury to continue deliberating were neither coercive nor did they require the jury to deliberate for an unreasonable length of time. *People v Sullivan*, 392 Mich 324; 220 NW2d 441 (1974); *People v Pollick*, 448 Mich 376; 531 NW2d 159 (1995). Moreover, although defendant complains that the jury created error in revealing the status of its vote in one of its notes, defendant does not explain how he was

prejudiced by this revelation. Under the circumstances, we conclude that defendant has failed to demonstrate entitlement to appellate relief.

Affirmed.

/s/ Kathleen Jansen

/s/ Harold Hood

/s/ Henry William Saad