

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

KEVIN L. HILL,

Defendant-Appellant.

UNPUBLISHED

February 20, 2001

No. 220096

Wayne Circuit Court

LC No. 98-013549

Before: Meter, P.J., and Neff and O'Connell, JJ.

MEMORANDUM.

Defendant appeals as of right his bench trial conviction for resisting and obstructing a police officer, MCL 750.479; MSA 28.747. This appeal is being decided without oral argument pursuant to MCR 7.214(E). We affirm.

Defendant argues that he was denied a fair trial due to prosecutorial misconduct. He asserts that the prosecutor improperly elicited testimony about officers being unarmed in the police station because prisoners go berserk and seize weapons. He also asserts that the prosecutor made an improper civic duty argument in closing arguments by referring to police officers being shot, underappreciated, and underpaid.

Claims of prosecutorial misconduct are reviewed case by case to determine whether the defendant was denied a fair and impartial trial. *People v Kelly*, 231 Mich App 627, 637; 588 NW2d 480 (1998). Civic duty arguments are condemned because they inject issues into trial that are broader than a defendant's guilt or innocence. *People v Williams*, 179 Mich App 15, 18; 445 NW2d 170 (1989), rev'd on other grounds 434 Mich 894; 445 NW2d 170 (1990).

There is no showing that defendant was denied a fair trial by the prosecutor's actions. Evidence of officers being unarmed in the police station was relevant to show why a prisoner would assault an officer in a cell block. The comments about the status of police officers did not deny defendant a fair trial because the evidence against defendant was substantial and because the case was heard by a judge sitting without a jury. Defendant's conviction was clearly based on the judge's weighing of the evidence and not on a civic duty argument. Any error in the closing comments was harmless. See the Supreme Court's order in *Williams*, *supra* at 894 (holding a prosecutor's allegedly improper remarks harmless).

Affirmed.

/s/ Patrick M. Meter

/s/ Janet T. Neff

/s/ Peter D. O'Connell