

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

STEVEN BRUCE YOUNG,

Defendant-Appellant.

UNPUBLISHED
February 19, 2002

No. 227065
Iosco Circuit Court
LC No. 99-003970-FC

Before: Smolenski, P.J., and Doctoroff and Owens, JJ.

MEMORANDUM.

Defendant appeals as of right from his jury conviction on one count of third-degree criminal sexual conduct, MCL 750.520d, and one count of fourth-degree criminal sexual conduct, MCL 750.520e. We affirm.

Defendant asserts that he was denied a fair trial due to the prosecutor's improper comments in closing argument. Because defendant did not object to the comments, we review this unpreserved issue for plain error. *People v Grant*, 445 Mich 535; 520 NW2d 123 (1994). To avoid forfeiture under the plain error rule, a clear or obvious error must have occurred and affected defendant's substantial rights. *People v Carines*, 460 Mich 750, 763-764; 597 NW2d 130 (1999).

The prosecutor's comments were not improper. A prosecutor can properly ask why a complainant would make up a story about being raped. *People v Wise*, 134 Mich App 82, 104; 351 NW2d 255 (1984). Referring to the complainant as a "young thing" was not an improper appeal to the jury's sympathy. The comment was isolated, it did not blatantly appeal to the jury's sympathy, and it was not so inflammatory as to prejudice defendant. *People v Watson*, 245 Mich App 572, 591; 629 NW2d 411 (2001). Further, the prosecutor's comment, "Thank God she's here" was a comment on the outcome of the crime, and not an improper injection of religion into the trial.

Finally, the trial court did not abuse its discretion in allowing the exhibit containing defendant's statement to be admitted into the jury room. The statement was exculpatory and was admitted at trial without objection. There is no showing that defendant was prejudiced by the admission of this exhibit into the jury room, and this issue cannot be considered absent

compelling or extraordinary circumstances. *People v Watroba*, 450 Mich 971; 547 NW2d 649 (1996), citing *Grant, supra* at 546.

Affirmed.

/s/ Michael R. Smolenski

/s/ Martin M. Doctoroff

/s/ Donald S. Owens