

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DARRON MATTHEW PREE,

Defendant-Appellant.

UNPUBLISHED
February 26, 2002

No. 227650
Monroe Circuit Court
LC No. 99-030256-FH

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

MEMORANDUM.

Defendant appeals as of right his jury conviction for delivery of less than fifty grams of cocaine, MCL 333.7401(2)(a)(iv), and larceny by conversion, MCL 750.362. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant asserts that he was denied a fair trial due to the prosecutor's comments in closing argument. We disagree.

Prosecutorial misconduct issues are decided on a case by case basis. *People v Schutte*, 240 Mich App 713, 721; 613 NW2d 370 (2000). "[T]he reviewing court must examine the pertinent portion of the record and evaluate the prosecutor's remarks in context." *Id.* Reversal is only required if defendant was denied his right to a fair and impartial trial. *People v Bahoda*, 448 Mich 261, 267; 531 NW2d 659 (1995).

In closing argument, the prosecutor stated that defendant was a brute, a bully, a liar, and a cheat. This characterization was strong, but fair, commentary on the evidence presented. A prosecutor need not confine argument to the blandest of terms, and is entitled to argue all reasonable inferences from the evidence. *People v Aldrich*, 246 Mich App 101, 112; 631 NW2d 67 (2001). Thus, we do not believe that these remarks denied defendant a fair trial. *Bahoda*, *supra*.

Defendant also contends that error resulted from the admission of "bad acts" evidence. However, defendant did not object to the testimony surrounding the introduction of the photograph. Thus, defendant is not entitled to relief unless he can show a plain error that affected his substantial rights. *People v Carines*, 460 Mich 750, 763-765; 597 NW2d 130 (1999). Here, testimony that defendant was identified through use of a redacted mug shot did not divulge defendant's prior criminal record to the jury because the photograph was edited to

remove indications that it was related to a prior crime. Consequently, we do not believe that the admission of the photograph was plainly erroneous or affected defendant's substantial rights, as necessary to avoid forfeiture of this issue. *Id.*

Affirmed.

/s/ Michael R. Smolenski

/s/ Martin D. Doctoroff

/s/ Donald S. Owens