

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

THOMAS CHARLES TABORELLI,

Defendant-Appellant.

UNPUBLISHED

December 10, 2002

No. 234051

Isabella Circuit Court

LC No. 99-008971-FH

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

PER CURIAM.

Defendant was convicted after a jury trial of first-degree criminal sexual conduct (CSC) (sexual penetration by an assailant armed with a weapon), MCL 750.520b(1)(e), armed robbery, MCL 750.529, and first-degree home invasion, MCL 750.110a(2). He was sentenced as an habitual offender, fourth offense, MCL 769.12, to concurrent terms of imprisonment of 37-1/2 to 60 years for CSC, 35 to 60 years for armed robbery, and 24 to 60 years for home invasion. He appeals as of right raising a single issue, and we affirm.

Defendant testified in his own behalf at trial and generally denied the charges against him, claiming that sex with the victim was consensual and that he stole nothing from her. During his testimony, defendant claimed that after having sex with the victim he went to a casino and gambled for two days and then went to Columbus, Ohio, to keep a previously scheduled doctor's appointment. A medical emergency resulted in defendant's hospitalization for four days in Columbus, Ohio, before he returned to Michigan where he was arrested and charged.

After defendant's testimony, the prosecutor sought to admit rebuttal testimony from the doctor in Columbus, Ohio, to the effect that there had been no scheduled appointment and that the doctor only saw defendant after he was admitted to the hospital and then only on request of an internist for a neurological consultation. Defendant objected to the rebuttal testimony on two grounds: that it would violate the physician-patient privilege and that because it was to be conducted via videoconference it would violate his right to confront the witness. The trial court overruled defendant's objections and the doctor testified via videoconference that she saw defendant in the hospital on the request of the treating internist for a neurological consultation, and that a review of the records in her office did not show any appointment with defendant had been scheduled and that neither she nor her partner saw defendant in their office.

On appeal, defendant argues a completely different basis for his objection to the rebuttal testimony, i.e., that it was improper impeachment of his testimony on a collateral matter. Defendant's argument fails.

An objection on one basis at trial is not sufficient to preserve an appellate attack based on a different ground. *People v Stimage*, 202 Mich App 28, 30; 507 NW2d 778 (1993); *People v Canter*, 197 Mich App 550, 562; 496 NW2d 336 (1992). Therefore, defendant has not preserved his objection to the doctor's brief testimony on the grounds claimed on appeal. Moreover, even if the claim were properly before us, we would find no error requiring reversal. *People v Carines*, 460 Mich 750; 597 NW2d 130 (1999).

Affirmed.

/s/ Janet T. Neff
/s/ Joel P. Hoekstra
/s/ Peter D. O'Connell