

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

RICHARD WILLIAM MEXICO,

Defendant-Appellant.

UNPUBLISHED

June 18, 1996

No. 183335

LC No. 94-0129-FH

Before: McDonald, P.J., and Markman and C. W. Johnson*, JJ.

PER CURIAM.

Following a jury trial defendant was convicted of receiving or concealing stolen property with a value over \$100 contrary to MCL 750.535; MSA 28.803 . Thereafter defendant pleaded guilty to being a second felony offender and was sentenced to a term of imprisonment of one year three months to seven years six months. Defendant now appeals from his convictions as of right. We affirm.

The prosecution presented sufficient evidence to permit a rational trier of fact to find the essential elements of the crime were proven beyond a reasonable doubt. *People v Barclay*, 208 Mich App 670; 528 NW2d 842 (1995). An owner of the stolen property may testify as to its value without a prior showing of his expertise if the testimony showed that the owner's evaluation was not based on personal or sentimental value. *People v Dyer*, 157 Mich App 606; 403 NW2d 84 (1986).

Defendant was not denied his right to a fair trial by the prosecutor's alleged misconduct. Any error in the prosecutor's attempt to introduce prior bad acts testimony was harmless. The trial court sustained defendant's objection to the questioning , there was no evidence presented about other criminal activity or bad acts involving defendant, and any error in the prosecutor's line of questioning could have been cured by proper cautionary instruction. See *People v Lee*, 212 Mich App 228; 537 NW2d 233 (1995). Additionally, the contested comments made by the prosecutor during closing arguments were in direct response to defendant's closing and thus were not improper. *People v Spivey*, 202 Mich App 719; 509 NW2d 908 (1993). Finally, a prosecutor may permissibly argue that

* Circuit judge, sitting on the Court of Appeals by assignment.

the evidence presented is uncontradicted even though the defendant is the only one who could have challenged it. *People v Fields*, 450 Mich 94;538 NW2d 356 (1995).

We also find no abuse of discretion warranting reversal of defendant's conviction in the introduction of limited evidence of defendant's employment history. *People v Coleman*, 210 Mich App 1 (1995). An error in the admission of evidence is not a ground for granting a new trial or otherwise disturbing a verdict or order unless the refusal to do so appears to be inconsistent with substantial justice. MCR 2.613(A); MRE 103(a).

Affirmed.

/s/ Gary R. McDonald
/s/ Stephen J. Markman
/s/ Charles W. Johnson