

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MARCUS MCMILLER,

Defendant-Appellant.

UNPUBLISHED

July 23, 1996

No. 177176

LC No. 93-008920

Before: Saad, P.J., and McDonald and Chrzanowski,* JJ

PER CURIAM.

The jury convicted defendant of possession with intent to deliver less than fifty grams of cocaine, MCL 333.7401(2)(a)(iv); MSA 14.15(7401)(2)(a)(iv), and possession of a firearm during the commission of a felony, MCL 750.227b; MSA 28.424(2). The court sentenced him to two to twenty years' imprisonment for the cocaine possession conviction, plus a consecutive two-year term for felony-firearm. He appeals and we affirm.

Responding to a call which reported gunshots, Detroit police officers observed defendant standing on the porch of a house holding an "Uzi-type" pistol. As the police officers approached the house, defendant attempted to conceal the gun and ran inside. Officer Mark Burke followed defendant inside and saw defendant throw the gun and a clear plastic bag under some couch cushions. The bag contained thirty-one small packets of crack cocaine.

Defendant raises three issues on appeal, none of which merit reversal of his conviction.

I.

Defendant argues that his conviction must be reversed because the trial judge allowed the jury to hear only a partial reading of Burke's testimony. We disagree.

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

Although the jury heard only Burke's direct examination testimony, the trial judge allowed the jurors to end the reading when they indicated that they had heard enough. The jurors were also informed that the reading would be continued if the jurors decided that they needed to hear additional testimony. The trial judge did not abuse her discretion by limiting the reading to that portion of the testimony the jurors actually wanted to hear. *People v Howe*, 392 Mich 670, 675-676; 221 NW2d 350 (1974).

II.

Defendant next argues that he was denied a fair trial because of improper remarks made in the prosecutor's rebuttal argument. We disagree.

Review of the prosecutor's remarks in context reveals no improper comments. The prosecutor properly responded to defense counsel's arguments that the police officers' testimony was not believable. *People v Sharbnow*, 174 Mich App 94, 100-101; 435 NW2d 772 (1989). The prosecutor did not improperly vouch for the truth of his witnesses or make an improper "civic duty" argument. The prosecutor's reference to the inconsistencies in the Gospels was properly used as an illustration, rather than as an improper appeal to the jurors' religious beliefs. *People v Mischley*, 164 Mich App 478, 483; 417 NW2d 537 (1987).

III.

Finally, defendant argues that he was denied a fair trial because the trial judge made improper remarks which denigrated defendant's trial counsel and demonstrated a bias in favor of the prosecutor. Our review of the trial judge's comments indicate that although she often ruled against defense counsel, she did not do so in a way which suggested bias. These remarks did not unduly influence the jury, nor did they deny defendant a fair trial. *People v Anderson*, 166 Mich App 455, 462; 421 NW2d 200 (1988).

Affirmed.

/s/ Henry William Saad

/s/ Gary R. McDonald

/s/ Mary A. Chrzanowski