

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

WILLIAM HENRY TOWNSEND,

Defendant-Appellant.

UNPUBLISHED

January 17, 1997

No. 186637

LC No. 93-009363-DL

Before: Cavanagh, P.J., and Reilly and C.D. Corwin,* JJ.

MEMORANDUM..

Defendant appeals as of right from his jury trial conviction of armed robbery, MCL 750.529; MSA 28.797, and possession of a firearm during the commission of a felony, MCL 750.227b; MSA 28.424(2). We affirm.

Defendant's sole issue on appeal is that he was prejudiced by the questions and comments of the trial court during the testimony of the witness Eric Brooks. Defendant did not object to the trial court's remarks below, and therefore appellate review is precluded absent manifest injustice. *People v Weatherford*, 193 Mich App 115, 121; 483 NW2d 924 (1992).

After reviewing the record, we conclude that manifest injustice will not result from our failure to review this issue. The trial court may question witnesses in order to clarify testimony or to elicit additional information. MRE 614(b); *People v Conyers*, 194 Mich App 395, 404; 487 NW2d 787 (1992). However, he must use caution and restraint in order to ensure that his questions are not intimidating, argumentative, prejudicial, unfair, or partial. *Id.* at 404-405. In the present case, we conclude that the questions directed by the trial court to the witness were neither biased nor contentious. The trial court's comments did not pierce the veil of judicial impartiality. See *People v Romano*, 181 Mich App 204, 220; 448 NW2d 795 (1989).

Affirmed.

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

/s/ Mark J. Cavanagh
/s/ Maureen Pulte Reilly
/s/ Charles D. Corwin