

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ANIEL RUZZIN,

Defendant-Appellee.

UNPUBLISHED

May 2, 1997

No. 190372

Oakland Circuit Court

LC No. 94-134992

Before: Michael J. Kelly, P.J., Wahls, and Gage, JJ.

PER CURIAM.

Defendant appeals as of right his jury trial conviction of felonious assault, MCL 750.82; MSA 28.277. The trial court sentenced defendant to five years' probation. We affirm.

Defendant argues that the court's instruction to the deadlocked jury was unduly coercive and caused the jury to reach a verdict against their will. We disagree. Defendant waived this issue by failing to object. *People v Pollick*, 448 Mich 376, 387-388; 531 NW2d 159 (1995). Even if there had been an objection, reversal would not be required under the facts of this case. See *People v Hardin*, 421 Mich 296, 314-315; 365 NW2d 101 (1984); *People v Holmes*, 132 Mich App 730, 749; 349 NW2d 230 (1984).

Defendant argues that the district court erred by binding defendant over on counts II and III for felonious assault with an automobile. To preserve for appeal a claim of error relating to a preliminary examination, a defendant must raise the issue before or during trial. *People v Sparks*, 53 Mich App 452, 454; 220 NW2d 153 (1974). In addition, it is not appropriate to address issues not raised in the statement of questions presented. *Marx v Dep't of Commerce*, 220 Mich 66, 81; ___ NW2d ___ (1996).

Next, defendant argues that there was insufficient evidence to submit counts II and III to the jury. We disagree. The victims testified that defendant's vehicle followed them out of a restaurant, nudged their vehicle at a red light, and followed only three feet behind them while traveling at forty miles per hour. Defendant passed the victims' vehicle on the left, forcing it out of its traveling lane into a

turning lane on the right. Further, the evidence indicated that the assaults occurred immediately after a domestic dispute between the victims and defendant, to which the police were called, and a gun was found in defendant's car. Viewing the evidence in the light most favorable to the prosecution, there was sufficient evidence for a rational trier of fact to find that the essential elements of the crime were proven beyond a reasonable doubt. *People v Davis*, 216 Mich App 47, 52-54; 549 NW2d 1(1996).

Finally, defendant argues that the trial court abused its discretion by limiting his ability to cross examine Ruzzin and Olmack regarding their extramarital affair. We disagree. The jury was aware of the affair, and counsel was allowed to argue that the witness' testimony was not credible due to their motive to fabricate. The trial court acted within his discretion by limiting the questioning of the witnesses regarding the collateral aspects of their relationship. See *People v Mills*, 450 Mich 61, 75; 537 NW2d 909 (1995); *Wischmeyer v Schanz*, 449 Mich 469, 474-475; 536 NW2d 760 (1995).

Affirmed.

/s/ Michael J. Kelly
/s/ Myron H. Wahls
/s/ Hilda R. Gage