

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

UNPUBLISHED

Plaintiff-Appellee,

v

No. 188030

DERRICK A. WILSON,

Oakland Circuit Court

LC No. 95-137699-FC

Defendant-Appellant.

Before: Neff, P.J., and Wahls and Taylor, JJ.

TAYLOR, J. (concurring in part and dissenting in part).

I concur with all but section II C of the majority opinion. I dissent from the majority's cautioning "the prosecutor from engaging in such rhetoric in the future." The prosecutor argued that defense counsel had gone through inconsistencies in the testimony to mask what had happened. The prosecutor then reminded the jury that, in the animal kingdom, a number of animals have defense mechanisms, the skunk has his smell, the porcupine his quills, and squids release ink to mask an escape. Only after giving this argument did the prosecutor liken defendant to a squid. In my view there was nothing wrong with the prosecutor's argument. See *People v Marji*, 180 Mich App 525, 537; 447 NW2d 835 (1989), remanded for resentencing 439 Mich 896 (1991) (defendant likened to the center of an octopus) and *Snow v Reid*, 619 F Supp 579, 584-585 (1985) (defense counsel said to be clouding the waters as squid an octopi are reputed to do).

/s/ Clifford W. Taylor