

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

SHAREEF MUHAAFE BROOKS, a/k/a SHAREEF  
MUHEEZ BROOKS,

Defendant-Appellant.

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UNPUBLISHED

July 25, 1997

No. 191592

Macomb Circuit Court

LC No. 93-002602 FC

94-001478 FC

Before: Jansen, P.J., and Wahls and P.R. Joslyn\*, JJ.

MEMORANDUM.

A circuit court jury convicted defendant of accessory after the fact to armed robbery, MCL 750.505; MSA 28.773, and assault with intent to rob while armed, MCL 750.89; MSA 28.284. Defendant received sentences of two to five years' imprisonment and two to ten years' imprisonment, respectively. Defendant appeals as of right. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The prosecutor engaged in misconduct by arguing to the jury facts not in evidence. *People v Stanaway*, 446 Mich 643, 686; 521 NW2d 557 (1994). The misconduct did not deprive defendant of a fair and impartial trial, however, in light of defense counsel's timely objections, and the trial court's remarks before, and instructions to, the jury, which dispelled any potential prejudice. *People v Minor*, 213 Mich App 682, 689; 541 NW2d 576 (1995).

Affirmed.

/s/ Kathleen Jansen

/s/ Myron H. Wahls

/s/ Patrick R. Joslyn

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