

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

WILLIAM WAYNE ZANTELLO,

Defendant-Appellant.

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UNPUBLISHED

March 18, 2003

No. 238449

Oakland Circuit Court

LC No. 00-175217-FH

Before: Griffin, P.J., and Neff and Gage, JJ.

MEMORANDUM.

Defendant appeals as of right his jury conviction for malicious destruction of property over \$1,000, MCL 750.377a, and assault and battery, MCL 750.81. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant argues that the trial court abused its discretion in failing to allow testimony about defendant's full statement to police. Defendant failed to preserve this issue where he did not respond at trial to plaintiff's hearsay objection and did not argue that an entire statement should be admitted. MRE 106; *People v McGuffey*, 251 Mich App 155, 161; 649 NW2d 801 (2002).

Defendant did not object to a detective's testimony about what was contained in another officer's police report. If the testimony were hearsay, any error in its admission was harmless where the same facts were shown by other evidence. *People v Hunt*, 170 Mich App 1, 13; 427 NW2d 907 (1988).

In closing argument, the prosecutor asserted that complainant was honest because he did not change his story, and he admitted that he was angry and wanted to hit defendant. A prosecutor may not vouch for the credibility of a witness or suggest that the government has some special knowledge that a witness will testify truthfully. *People v Ramsdell*, 230 Mich App 386, 404; 585 NW2d 1 (1998). Where defendant did not object to the prosecutor's remarks, appellate review is precluded unless a curative instruction could not have eliminated the prejudicial effect or failure to consider the issue would be a miscarriage of justice. *Id.*

In closing argument, a prosecutor may properly comment on the credibility of witnesses. *People v Lodge*, 157 Mich App 544, 550; 403 NW2d 591 (1987). Had defendant objected to the

statement, an instruction on the limits of the prosecutor's argument would have cured any prejudice.

Affirmed.

/s/ Richard Allen Griffin

/s/ Janet T. Neff

/s/ Hilda R. Gage