

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DOYLE ERNEST SIMS,

Defendant-Appellant.

UNPUBLISHED

July 25, 1997

No. 193242

Macomb Circuit Court

LC No. 93-001968 FH

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

MEMORANDUM.

Defendant was convicted by jury of drawing a check upon a bank without a bank account, MCL 750.131a; MSA 28.326(1) and sentenced to two years probation. Defendant appeals as of right. We affirm.

Defendant argues that he was deprived of a fair trial by improper remarks advanced by the prosecutor during his closing and rebuttal arguments. Defendant failed to object below to the remarks he now challenges as improper. Accordingly, appellate review is precluded unless a miscarriage of justice will result absent our review. *People v McElhaney*, 215 Mich App 269, 283; 545 NW2d 19 (1996). No miscarriage of justice will result absent our review. *People v Bahoda*, 448 Mich 261, 276; 531 NW2d 659 (1995); *People v Ignofa*, 315 Mich 626, 631-636; 24 NW2d 514 (1946). To the contrary, after careful examination of the challenged argument in light of the evidence, the prosecutor's remarks were either supported by the proofs or, to the extent not so supported, were subject to correction by curative instruction had timely objection been made.

Affirmed.

/s/ Kathleen Jansen

/s/ Myron H. Wahls

/s/ Patrick R. Joslyn

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