

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

UNPUBLISHED

Plaintiff-Appellee,

v

No. 176611

LC No. 93-006409

HARRY EUGENE SEARLES,

Defendant-Appellant.

Before: Hood, P. J. and Markman and A. T. Davis*, JJ.

A.T. Davis, J. (Concurring).

I concur in the result.

I believe the *Miranda* warnings should have been given.. I do not accept the view that under the totality of the circumstances then existing, the defendant would have felt free to leave the officer's presence.

While I believe it was error to admit the statements obtained during the interview, I believe that error was harmless beyond doubt given the testimony of the victim and the co-defendant in this case.

I would affirm the conviction.

/s/ Alton T. Davis

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