

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

UNPUBLISHED
December 6, 1996

No. 166587
LC No. 92-010859

JESSIE LEE AGNEW,

Defendant-Appellant.

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

No. 169875
LC No. 92-010859

KENNETH MCINTOSH,

Defendant-Appellant.

Before: White, P.J., and Smolenski, and R.R. Lamb,* JJ.

WHITE, J. (concurring).

In No. 166587 (Agnew), I concur in the affirmance of the trial court's denial of the motion for mistrial because I am satisfied that the limited reference to McIntosh's statement and Edwards' dealings with McIntosh did not leave the jury with the impression that McIntosh implicated Agnew. As to the issue of the incomplete rereading of Hollingsworth's testimony, a review of the testimony actually read

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

to the jury, which included considerable cross-examination, and the testimony not read leads me to conclude that defendant suffered no prejudice from the court's ruling.

In No. 169975 (McIntosh), I conclude that Hollingsworth's testimony regarding offenses for which McIntosh was acquitted in the first trial was admissible because it supported the prosecutor's position that McIntosh's statement to police was accurate and credible.

As to the remaining issues, I join in the per curiam opinion.

/s/ Helene N. White