

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

GEROME NORFLEET,

Defendant-Appellant.

UNPUBLISHED

No. 183438

Recorder's Court

LC No. 94-004573

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ANTONIO BOSTON,

Defendant-Appellant.

No. 183441

Recorder's Court

LC No. 94-004573

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JAMES COON,

Defendant-Appellant.

No. 185851

Recorder's Court

LC No. 94-004573

Before: Holbrook, Jr. P.J., and White and A. T. Davis, Jr.*, JJ.

WHITE, J. (concurring in part and dissenting in part).

In No. 183438, I conclude that any error in the admission of evidence was harmless, and that claims of error regarding the prosecutor's examination of Murphy and the court's instructions to the jury were waived by the failure to object at trial. I also agree that if defendant's first-degree murder conviction is affirmed, the armed robbery conviction must be vacated. I would, however, remand for further findings regarding defendant's statement. The trial court made no findings regarding defendant's claims that he was beaten by Officer Monroe and that he asked for an attorney. I would remand for findings on these issues.

In No. 183441, I also conclude that any error in the admission of evidence was harmless. Further, I conclude that while the court erred in denying defendant's challenge of the juror for cause, and it is implicit from the record that counsel sought to exercise an additional peremptory challenge, no particular juror was identified and it cannot be established that a juror was, in fact, objectionable. *People v Lee*, 212 Mich App 228, 248-249; 537 NW2d 233 (1995). Additionally, while I agree that the court's finding of voluntariness should be affirmed, I would remand for findings regarding defendant's claim that he requested, but was denied, an attorney. The court's finding of voluntariness is not dispositive of this issue. *People v Crusoe*, 433 Mich 666, 682-684; 449 NW2d 641 (1989). Lastly, I dissent from the remand for resentencing. I conclude the trial court fairly evaluated the circumstances presented and imposed a proportionate sentence.

In No. 185851, I concur.

/s/ Helene N. White

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