

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

UNPUBLISHED

Plaintiff-Appellee,

v

No. 189291

Macomb Circuit Court

CHARLES BRUCE MURRAY,

LC No. 94-002085 FH

Defendant-Appellant.

Before: Sawyer, P.J., and Wahls and Reilly, JJ.

SAWYER, P.J. (concurring in part; dissenting in part).

I respectfully dissent.

I agree with the majority's decision except for its conclusion that defendant is entitled to a new trial due to error in the jury instructions. Defendant did not object and did, in fact, indicate that he was satisfied with them. Unlike the majority, I find that no manifest injustice resulted from the instructions as given and, therefore, appellate review is waived. *People v Crooks*, 446 Mich 503; 521 NW2d 275 (1994); *People v Van Dorsten*, 441 Mich 540, 544-545; 494 NW2d 737 (1993).

I would affirm.

/s/ David H. Sawyer