

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

UNPUBLISHED

Plaintiff-Appellee,

v

No. 196691

Van Buren Circuit Court

DAVID LEE STARKS,

LC No. 96-009782

Defendant-Appellant.

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Before: Gribbs, P.J., and Murphy and Gage, JJ.

GAGE, J. (concurring)

I concur with the majority opinion. I write separately only to state that the panel was cognizant of the *Bruton*<sup>1</sup> implications in the admission of statements made by the nontestifying codefendant to an undercover police officer. The statements were admitted at trial through the testimony of the officer and tended to establish the existence of a conspiracy to sell drugs. Defendant did not, however, raise the issue of his right to confrontation either at trial or to this Court. Moreover, the other evidence against defendant, while perhaps not overwhelming, was sufficient to sustain his convictions. Even if this panel were to find a *Bruton* violation, reversal of defendant's conviction would thus not be warranted because under the circumstances the admission of the codefendant's statements was harmless. *People v Harris*, 201 Mich App 147, 150; 505 NW2d 889 (1993).

/s/ Hilda R. Gage

<sup>1</sup> *Bruton v United States*, 391 US 123; 88 S Ct 1620; 20 L Ed 2d 476 (1968).