

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

GARY PATRICK LEWIS,

Defendant-Appellant.

UNPUBLISHED

July 21, 2016

No. 325782

Wayne Circuit Court

LC No. 14-006454-FH

Before: TALBOT, C.J., and MURRAY and SERVITTO, JJ.

SERVITTO, J. (*concurring*).

I concur in the result reached by the majority—that defendant’s convictions should be vacated. However, I believe that because Michigan law holds that the complete denial of representation of counsel at a critical stage of the proceeding (here, the preliminary examination), is a structural error requiring automatic reversal (see, e.g., *People v Duncan*, 462 Mich 47, 51-52; 610 NW2d 551(2000)), that holding alone should represent the entirety of our opinion. The remaining analysis regarding structural error and the analyses of the remaining issues raised by defendant are unnecessary to our resolution of this case.

/s/ Deborah A. Servitto