

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

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellant,

v

LEON MARKS,

Defendant-Appellee.

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UNPUBLISHED

March 15, 2005

No. 257916

Wayne Circuit Court

LC No. 04-001550

Before: Wilder, P.J., and Sawyer and White, JJ.

WHITE, J. (*concurring*).

I join in the reversal on the basis that defendant was expressly assured that he was not in custody.

/s/ Helene N. White