

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

UNPUBLISHED

Plaintiff-Appellee,

v

No. 190128

Recorder's Court

GEORGE LAMONT JACKSON,

LC No. 95-001485-FH

Defendant-Appellant.

Before: Markman, P.J., and McDonald and Fitzgerald, JJ.

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

I disagree only with the majority's analysis of defendant's argument that he is entitled to receive his jury voir dire transcript. In *People v Bass*, 223 Mich App 241, 255; 565 NW2d 897 (1997), amended 7/25/97, this Court, confronted with the constitutionality of MCR 6.425(F)(2)(a)(i), held that under "the Due Process Clause of the Fourteenth Amendment, a criminal defendant is entitled to the effective assistance of counsel in his first appeal as of right." The Court thus concluded that the voir dire transcript must be provided in all cases where appointed counsel was not the indigent defendant's trial counsel. Although our Supreme Court has stayed the precedential effect of *Bass* and granted leave to appeal, ___ Mich ___; ___ NW2d ___ (Docket No. 109511, issued 8/4/97), I agree with the rationale of the Court in *Bass* that due process compels preparation of the voir dire transcript.

/s/ E. Thomas Fitzgerald