

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

UNPUBLISHED

Plaintiff-Appellee,

v

No. 190187

Recorder's Court

ANTHONY WATKINS,

LC No. 94-008319-FC

Defendant-Appellant.

Before: Holbrook, Jr., P.J., and White and R. J. Danhof*, JJ.

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

I concur in the conclusion that counsel's conduct with regard to Pauch was deficient. However, having in mind that this was a bench trial, I would remand to the trial court for a determination whether defendant was prejudiced by counsel's erroneous stipulation regarding Pauch, and the failure to make a foundational objection to Rudolph's testimony. See *People v Pickens*, 446 Mich 298; 521 NW2d 797 (1994).

/s/ Helene N. White

* Former Court of Appeals judge, sitting on the Court of Appeals by assignment.