

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

BRIAN K. BOMAR,

Defendant-Appellant.

UNPUBLISHED

April 23, 2002

No. 230519

Wayne Circuit Court

LC No. 00-002793

Before: Holbrook, Jr., P.J., and Jansen and Wilder, JJ.

MEMORANDUM.

Following a jury trial, defendant was acquitted of first-degree murder, MCL 750.316, and convicted of possession of a firearm during the commission of a felony, MCL 750.227b. The trial court sentenced defendant to the mandatory term of two years' imprisonment for the felony-firearm conviction. Defendant appeals as of right. We affirm.

Defendant's sole issue on appeal challenges the validity of our Supreme Court's ruling in *People v Lewis*, 415 Mich 443; 330 NW2d 16 (1982), arguing that it was wrongly decided and should be overruled. Defendant's challenge is to the Court's holding in *Lewis*, *supra* at 454, that a defendant need not be convicted of the underlying felony in order for the conviction and sentence of the felony-firearm charge to stand. Consequently, defendant's conviction for felony-firearm, even where he was acquitted of the underlying felony, must stand.

Obviously, this Court does not have the authority to overrule decisions of our Supreme Court and we are bound to apply *Lewis* to this case. *Boyd v W G Wade Shows*, 443 Mich 515, 523; 505 NW2d 544 (1993). Defendant acknowledges as such and wishes to preserve this issue for a challenge in the Supreme Court, a recourse which defendant may seek.

Affirmed.

/s/ Donald E. Holbrook, Jr.

/s/ Kathleen Jansen

/s/ Kurtis T. Wilder