

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JOSEPH EDWARD DAVIS,

Defendant-Appellant.

UNPUBLISHED

July 12, 2002

No. 229082

Oakland Circuit Court

LC No. 00-172028-FH

Before: Whitbeck, C.J., and O’Connell and Meter, JJ.

METER, J. (*concurring*).

I concur in the majority’s decision but write separately to indicate that I believe *Powell v St. John Hospital*, 241 Mich App 64, 614 NW2d 666 (2000), to be controlling and good law. Rebuttal witness Werdene’s testimony did not solely involve “(s)pecific instances of the conduct of a witness, for the purpose of attacking...the witness’ credibility. . . .” See MRE 608(b). Rather, the questioned testimony tended to show bias or prejudice on the part of witness Parenteau, and these considerations are always relevant. *Id.* at 72-73; see also *Swift Electric Light Co. v Grant*, 90 Mich 469; 51 NW 539 (1892).

Accordingly, I would find no error in the trial court’s admission of Werdene’s rebuttal testimony, rendering unnecessary a harmless error analysis.

In all other respects, I concur.

/s/ Patrick M. Meter