

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DAVID JEROME REYNOLDS,

Defendant-Appellant.

UNPUBLISHED

March 4, 2004

No. 245140

Saginaw Circuit Court

LC No. 02-021268-FC

Before: Sawyer, P.J., and Saad and Bandstra, JJ.

BANDSTRA, J. (*concurring*).

I concur with the majority's decision to affirm defendant's convictions and sentences but write separately to note my conclusion that the trial court erred in admitting evidence regarding gangs and defendant's possible gang affiliation. Nonetheless, in light of the compelling evidence from witnesses who identified defendant as the robber, it does not affirmatively appear that this error was more probably than not outcome determinative. *People v Lukity*, 460 Mich 484, 496; 596 NW2d 607 (1999).

/s/ Richard A. Bandstra