

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ROBERT JAMES STEPHENS,

Defendant-Appellant.

UNPUBLISHED

August 31, 2004

No. 241565

Oakland Circuit Court

LC No. 2001-176314-FH

ON REMAND

Before: Fort Hood, P.J., and Murphy and Neff, JJ.

MURPHY, J. (*concurring*).

I concur in affirming defendant's conviction and sentence.

The trial court erred in determining that the hearsay statements of defendant's wife were admissible, and thus abused its discretion by admitting the statements into evidence. See *Crawford v Washington*, 541 US ____; 124 S Ct 1354; 158 L Ed 2d 177 (2004). Nevertheless, I would conclude that the error was harmless beyond a reasonable doubt in view of the fact that the untainted evidence was more than sufficient to support defendant's conviction.

/s/ William B. Murphy