

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JOHN EDDIE WILSON,

Defendant-Appellant.

FOR PUBLICATION

August 6, 2002

9:00 a.m.

No. 230035

Saginaw Circuit Court

LC No. 00-018264-FC

Before: Saad, P.J., and Owens and Cooper, JJ.

SAAD, P.J. (*concurring*).

I concur in the result, but not the reasoning of the majority's opinion because I would affirm the trial court's scoring of OV 1, which renders defendant's ineffective assistance of counsel claim groundless. Additionally, I disagree with our Court's citation with approval of *People v McGuffey*, 251 Mich App 155; 649 NW2d 801 (2002), because *McGuffey* was wrongly decided (the statute should prevail over the court rule and not the other way around) and because this analysis is not strictly necessary to reach the result articulated by the majority.

/s/ Henry William Saad