

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DARRELL LASHION DIXON,

Defendant-Appellant.

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FOR PUBLICATION

August 24, 2004

9:05 a.m.

No. 246739

Oakland Circuit Court

LC No. 02-185376-FC

Official Reported Version

Before: Schuette, P.J., and Bandstra and Cooper, JJ.

BANDSTRA, J. (*concurring*).

I concur with the lead opinion. I do not conclude that the errors requiring reversal, which likely affected the jury's determinations of the alleged victim's credibility in this close case, did so only with regard to testimony concerning the criminal sexual conduct charges. "Unless the accused receives the effective assistance of counsel, 'a serious risk of injustice infects the trial itself.'" *United States v Cronin*, 466 US 648, 656; 104 S Ct 2039, 80 L Ed 2d 657 (1984), quoting *Cuyler v Sullivan*, 446 US 335, 343; 100 S Ct 1708; 64 L Ed 2d 333 (1980). Thus, I disagree with Judge Schuette, who concludes that the errors did not affect the conviction for first-degree home invasion and felonious assault.

/s/ Richard A. Bandstra