

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

RICHARD ALLEN HARTLERODE,

Defendant-Appellant.

UNPUBLISHED

May 30, 1997

No. 185599

Calhoun Circuit Court

LC No. 92-000391 FH

Before: Saad, P.J., and Hood and McDonald, JJ.

MEMORANDUM.

Defendant was convicted by jury of two counts of first-degree criminal sexual conduct, MCL 750.520b(1)(a); MSA 28.788(2)(1)(a), and two counts of second-degree criminal sexual conduct, MCL 750.520c(1)(a); MSA 28.788(3)(1)(a). He was sentenced to concurrent terms of fifteen- to thirty-years' imprisonment and three- to fifteen-years' imprisonment, respectively. We affirmed in part and remanded for an in-camera hearing pursuant to *People v Stanaway*, 446 Mich 643; 521 NW2d 557 (1994). *People v Hartlerode*, unpublished opinion per curiam of the Court of Appeals, decided 1/23/95 (Docket No. 153751). Defendant now appeals as of right. We affirm.

Defense counsel was not entitled to personally inspect the confidential Department of Social Services records. *Pennsylvania v Ritchie*, 480 US 39, 59-60; 107 S Ct 989; 94 L Ed 2d 40, 58-59 (1987); *Stanaway*, 446 Mich at 649-650, 679. Defendant urges this Court to hold that *Stanaway* was wrongly decided on this point. A decision of the Supreme Court is binding on this Court until the Supreme Court overrules itself, however. *O'Dess v Grand Trunk Western R Co*, 218 Mich App 694, 700; 555 NW2d 261 (1996). Accordingly, we may not revisit this holding of *Stanaway*. *Id.*

Additionally, defendant is not entitled to a new trial. The information disclosed at the in camera hearing was not material to the issue of possible other sources of the scarring observed by the physician. *People v Adair*, 452 Mich 473, 482; 550 NW2d 505 (1996); *People v Haley*, 153 Mich App 400, 405; 395 NW2d 60 (1986).

Affirmed.

/s/ Henry William Saad

/s/ Harold Hood

/s/ Gary R. McDonald