

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

V

BERTHA MAE PROVOST,

Defendant-Appellant.

UNPUBLISHED
February 12, 2002

No. 226571
Washtenaw Circuit Court
LC No. 99-011965-FC

Before: Bandstra, C.J., and Fitzgerald and Gage, JJ.

GAGE, J. (concurring).

While I concur in the result reached by the majority, I write separately to express my conclusion that the trial court did not err in the admission of the prior bank robbery convictions. For purposes of showing the identity of the perpetrator, this case involves numerous distinctive physical characteristics. *People v Smith*, 243 Mich App 657, 669-672; 625 NW2d 46 (2000), remanded ___ Mich ___ (Docket No. 118530, order issued December 18, 2001). Four separate witnesses described defendant as a small white female with a very slender frame. Indeed a fifth witness thought, at first, the robber was a child. Furthermore, in all of defendant's robberies, she wore gloves, a ski mask and passed a note. I believe that incidents involving petite, female bank robbers wearing gloves and a ski mask are distinctive enough to permit the inference of identification under MRE 404(b)(1).

/s/ Hilda R. Gage