

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellant/Cross-Appellee,

v

ANTHONY LEE BAISDEN,

Defendant-Appellee/Cross-
Appellant.

UNPUBLISHED

October 28, 2008

No. 269999

Wayne Circuit Court

LC No. 05-003753

ON REMAND

Before: Schuette, P.J., and Hoekstra and Meter, JJ.

MEMORANDUM.

This case is before us on remand from the Michigan Supreme Court. In our prior opinion, the majority, relying on *People v Capriccioso*, 207 Mich App 100; 523 NW2d 846 (1994), and *People v Thangavelu*, 96 Mich App 442; 292 NW2d 227 (1980), reversed defendant's conviction of third-degree criminal sexual conduct, MCL 750.520(1)(b), and remanded for a new trial.¹ *People v Baisden*, unpublished opinion per curiam of the Court of Appeals, issued March 4, 2008 (Docket No. 269999). Plaintiff appealed, and our Supreme Court overruled *Capriccioso* and *Thangavelu*, reversed our judgment, and remanded for consideration of defendant's remaining issues. *People v Baisden*, __ Mich __; __ NW2d __ (Docket No. 136321, entered September 26, 2008).

In his dissenting opinion, Judge Meter, in addition to expressing his disagreement with the majority's reasons for reversal, addressed and rejected as without merit all of defendant's remaining issues. *People v Baisden*, unpublished opinion per curiam of the Court of Appeals, issued March 4, 2008 (Docket No. 269999) (Meter, J., dissenting). We now adopt his analysis of defendant's remaining issues and consequently affirm defendant's conviction and sentence.

Affirmed.

/s/ Bill Schuette

/s/ Joel P. Hoekstra

/s/ Patrick M. Meter

¹ Judge Hoekstra signed the lead opinion and Judge Schuette concurred in part.