

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

HECTOR BERDECIA,

Defendant-Appellant.

UNPUBLISHED
September 8, 2009

No. 286070
Wayne Circuit Court
LC No. 08-002601-FH

Before: M. J. Kelly, P.J., and K. F. Kelly and Shapiro, JJ.

SHAPIRO, J. (*concurring*).

I would find that the trial court's decision to admit evidence of drug possession by defendant's passenger was error under MRE 403. However, I concur in the affirmance since after an examination of the entire record I conclude that the error was harmless. *People v Williams*, 483 Mich 226, 243; ___ NW2d ___ (2009).

/s/ Douglas B. Shapiro