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STATE OF MICHIGAN
COURT OF APPEALS

In re BLOCK/NYGAARD, Minors.

UNPUBLISHED
November 10, 2022

No. 360449
Gogebic Circuit Court
Family Division
LC Nos. 2018-000069-NA
2019-000042-NA

Before: SAWYER, P.J., and MARKEY and SWARTZLE JJ.

SWARTZLE, J. (*concurring*).

I concur in the majority’s judgment as well as its analysis with the exception of Section II.B. I do not quarrel with the majority’s application of current law; rather, my quarrel is with the current law itself. For the reasons I set forth in my concurring opinion in *People v King*, unpublished opinion per curiam of the Court of Appeals, issued October 15, 2020 (Docket No. 346559) (SWARTZLE, J., concurring), p 7, I do not believe that our Court should apply the plain-error test to the waiver of counsel, either in the criminal context or this quasi-criminal context. Our Supreme Court has granted leave to hear oral argument on the application for this issue, *People v King*, 964 NW2d 34 (Mich, 2021), but, based on the law as it stands today, I must concur.

/s/ Brock A. Swartzle