

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

LAVELL DEPRIE GREEN,

Defendant-Appellant.

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UNPUBLISHED

June 25, 2013

No. 310699

Jackson Circuit Court

LC No. 11-005045-FH

Before: OWENS, P.J., and GLEICHER and STEPHENS, JJ.

GLEICHER, J. (*concurring*).

I concur in the result reached by the majority only because *Westland v Kodlowski*, 298 Mich App 647; 828 NW2d 67 (2012), binds our decision pursuant to MCR 7.215(J)(1). I concur with Judge Shapiro's dissenting opinion in *Kodlowski*. If writing on a clean slate I would vote to reverse defendant's conviction and remand for a new trial for the reasons aptly set forth by Judge Shapiro.

/s/ Elizabeth L. Gleicher