If this opinion indicates that it is "FOR PUBLICATION," it is subject to revision until final publication in the Michigan Appeals Reports.

STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN, Plaintiff-Appellee,	UNPUBLISHED September 17, 2026 2:51 PM
v	No. 374937 Kalkaska Circuit Court
KYLE RICHARD CRONIN, Defendant-Appellant.	LC No. 2024-004931-FC

Before: BAZZI, P.J., and PATEL and ACKERMAN, JJ.

PER CURIAM.

Defendant appeals as of right his jury-trial convictions of assault with intent to commit murder (AWIM), MCL 750.83; felon in possession of a firearm (felon-in-possession), MCL 750.224f(6); carrying a firearm during the commission of a felony (felony-firearm), MCL 750.227b(1); and transportation or possession of a loaded firearm in or upon a vehicle, MCL 750.227c(1)(a). On appeal, defendant argues that the trial court's failure to reaffirm his waiver of his right to counsel until after jury selection deprived him of his right to counsel during a critical stage of the proceedings. We disagree and affirm.

I. BACKGROUND

Defendant fired a rifle at the victim from a close range. The victim was struck in the ear by a bullet and sustained injuries to his face. Shortly after, defendant was arrested and charged with the crimes for which he was later convicted.

At his preliminary examination hearing, defendant stated that he wanted to represent himself. Thereafter, the trial court began each subsequent hearing by reaffirming defendant's desire to represent himself. On the morning of defendant's trial, the trial court went straight into voir dire without reaffirming that defendant wished to continue representing himself. However, prior to swearing in and impaneling the jury, the following exchange occurred:

> THE COURT: So Mr. Cronin, I know we've gone over this a multitude of times, I ordinarily would go over it at the very start of a proceeding. It's awkward to do that when we've got a jury full err—a room full of potential jurors but I wanna

go through it now because it's a requirement. You've [sic] obviously representing yourself, correct?

[DEFENDANT]: Yes.

THE COURT: And I know this seems repetitive, we go through it at every hearing but it's a legal requirement. You want to represent yourself, is that true?

[DEFENDANT]: Yes, your Honor.

THE COURT: And you understand the risks that we've gone over and that are evident in this case in terms of the maximum penalties?

[DEFENDANT]: Yes, your Honor.

THE COURT: Do you understand the maximum penalties for each offense that you're facing?

[DEFENDANT]: Yes, your Honor. And do you understand the mandatory minimum penalties for the felony firearm offense?

[DEFENDANT]: Yes, your Honor.

THE COURT: Do you want me to go over any of those with any more detail before we proceed further today?

[DEFENDANT]: No, your Honor.

* * *

THE COURT: And you understand you have a right to be represented by counsel, correct?

[DEFENDANT]: Yes, your Honor.

THE COURT: And you chose to represent yourself?

[DEFENDANT]: Yes, your Honor.

THE COURT: Did you—if you change your mind, if you wanna consult with an attorney just let me know and I'll try to make that happen. It's a little bit more difficult on the day of a trial but I'll make it happen if you ask to consult with an attorney, do you understand?

[DEFENDANT]: Yes, your Honor.

At the conclusion of the trial, defendant was convicted as described above. Defendant now appeals.

II. ANALYSIS

Defendant argues that his waiver of his right to counsel was deficient and did not comply with MCR 6.005(E). We disagree.

We review de novo whether a defendant validly waived the right to counsel and review for clear error the court's factual findings regarding whether the waiver was knowing and intelligent. *People v Helmer*, ___ Mich App ___, ___; ___ NW3d ___ (2026) (Docket No. 369063); slip op at 7. Under de novo review, we review the issue independently, without deference to the lower court. *People v Smith*, 351 Mich App 1, 9; 34 NW3d 593 (2024). An error is clear if this Court has the definite and firm conviction that the trial court made a mistake. *Id*.

Every criminal defendant has a constitutionally guaranteed right to the assistance of counsel in a criminal proceeding. *People v Russell*, 471 Mich 182, 187-188; 684 NW2d 745 (2004). On the other hand, a criminal defendant's right to represent himself is guaranteed by the United States Constitution and the Michigan Constitution. *People v King*, 512 Mich 1, 11; 999 NW2d 670 (2023). "The right to proceed pro se and the right to counsel have been described as two faces of the same coin, because the waiver of one right constitutes the assertion of the other[.]" *People v Dennany*, 445 Mich 412, 444; 519 NW2d 128 (1994) (cleaned up).

A trial court must substantially comply with the factors provided in *People v Anderson*, 398 Mich 361, 367-368; 247 NW2d 857 (1976) and MCR 6.005(D) for a defendant's waiver to be valid. *King*, 512 Mich at 11. After a defendant waives the right to counsel, MCR 6.005(E) requires the court to confirm that waiver at each subsequent proceeding. *Helmer*, ___ Mich App at ___; slip op at 8. MCR 6.005(E) states:

> **(E) Advice at Subsequent Proceedings**. If a defendant has waived the assistance of a lawyer, the record of each subsequent proceeding (e.g., preliminary examination, arraignment, proceedings leading to possible revocation of youthful trainee status, hearings, trial or sentencing) need show only that the court advised the defendant of the continuing right to a lawyer's assistance (at public expense if the defendant is indigent) and that the defendant waived that right. Before the court begins such proceedings,
>
> (1) the defendant must reaffirm that a lawyer's assistance is not wanted; or
>
> (2) if the defendant requests a lawyer and is financially unable to retain one, the court must refer the defendant to the local indigent criminal defense system's appointing authority for the appointment of one; or
>
> (3) if the defendant wants to retain a lawyer and has the financial ability to do so, the court must allow the defendant a reasonable opportunity to retain one.
>
> The court may refuse to adjourn a proceeding for the appointment of counsel or allow a defendant to retain counsel if an adjournment would significantly prejudice the prosecution, and the defendant has not been reasonably diligent in seeking counsel.

"[I]f, during those proceedings, a trial court concludes the defendant no longer clearly understands the options afforded to him, and the disadvantages of each, then it should once again engage in the extensive *Anderson* litany." *Helmer*, ___ Mich App at ___; slip op at 5 (cleaned up). However, compliance with MCR 6.005(E) is not a constitutional requirement. *Id*. at ___; slip op at 8.

In this case, defendant contends that the trial court's failure to reaffirm his desire to forgo counsel *before* jury selection at his trial rendered defendant's waiver of his right to counsel wholly ineffective. Defendant relies on *King*, 512 Mich 1, for the proposition that a trial court must strictly adhere to the requirements of MCR 6.005(E). Defendant's reliance is misplaced. Our Supreme Court in *King* only addressed whether the *initial* waiver of counsel (when he asserted his right to represent himself) was ineffective. *Id*. at 7-8. But this is not an issue in the current appeal because defendant has already conceded that his initial waiver of the right to counsel was proper. And although the *King* Court mentioned the requirements of rule 6.005(D), subsection (E) was neither considered nor addressed in that opinion. In sum, *King* is factually and legally inapposite to defendant's appeal.

Further, there is no support for the proposition that MCR 6.005(E) must be strictly adhered to, and, in this case, the trial court asked defendant at the beginning of the trial whether he wished to represent himself. Defendant stated that he continued to desire to represent himself. Defendant has supplied no argument or precedent that would require a trial court ask that question before voir dire. Accordingly, because compliance with MCR 6.005(E) is not a constitutional requirement, *Helmer*, ___ Mich App at ___, slip op at 8, defendant was not deprived of his constitutional right to counsel during jury selection, and the trial court did not err.

Affirmed.

/s/ Mariam S. Bazzi
/s/ Sima G. Patel
/s/ Matthew S. Ackerman