Court of Appeals, State of Michigan

ORDER

People of MI v Lucian Sfarcioc

Docket No. 275711

LC No. 06-007392

Kurtis T. Wilder
Presiding Judge

Michael J. Talbot

Christopher M. Murray
Judges

The Court orders, pursuant to MCR 7.205(D)(2), that the trial court's November 20, 2006 order granting defendant's motion to suppress statements is REVERSED. This Court reviews de novo the trial court's ultimate decision on a motion to suppress. *People v Akins*, 259 Mich App 545, 563; 675 NW2d 863 (2003). The warnings set forth by the United States Supreme Court in *Miranda v Arizona*, 384 US 436; 86 S Ct 1602; 16 L Ed 2d 694 (1966) need not be given in the exact form described in that decision. *Duckworth v Eagan*, 492 US 195, 202; 109 S Ct 2875; 106 L Ed 2d 166 (1989). "Quite the contrary, *Miranda* itself indicated that no talismanic incantation was required to satisfy its strictures." *California v Prysock*, 453 US 355, 359; 101 S Ct 2806; 69 LE 2d 696 (1981). Instead, the specific warnings are required "in the absence of a fully effective equivalent". *Miranda*, *supra* at 476; *Prysock, supra* at 359-360. In this case, the warnings given to defendant upon his arrest were a fully effective equivalent of the specific *Miranda* warnings and sufficient to apprise him of his rights. Therefore, the trial court erred in suppressing defendant's statements.

This case is REMANDED to the trial court for further proceedings consistent with this order. We do not retain jurisdiction. This order shall have immediate effect. MCR 7.215(F)(2).

A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

FEB 23 2007
Date

Sandra Schultz Mengel
Chief Clerk