

**Court of Appeals, State of Michigan**

**ORDER**

People of MI v Davontae Sanford

Docket No. 291293

LC No. 07-015018-01

Mark T. Boonstra  
Presiding Judge

David H. Sawyer

Christopher M. Murray  
Judges

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The Court orders that plaintiff-appellee's motion for reconsideration is DENIED.

The Court further orders that defendant-appellant's motion for reconsideration is DENIED AS MOOT because we are remanding for a new hearing. The Court further notes that defense counsel is correct that defendant-appellant had filed the requested transcript. Upon further investigation, it was discovered that it was misfiled by this Court.

MURRAY, J. (*concurring*):

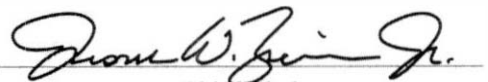
I concur in the denial of defendant's motion for reconsideration, understanding that the issue raised is moot if Smothers testifies at the hearing. However, I nevertheless point out that the trial court's decision to exclude the testimony of Borus was not an abuse of discretion as the trial court made a principled decision in light of its findings and the controlling law. See *People v Taylor*, 482 Mich 368, 379; 759 NW2d 361 (2008) and *People v Ortiz-Kehoe*, 237 Mich App 508, 517-518; 603 NW2d 802 (1999).



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

NOV 05 2013

Date

  
Chief Clerk