

Court of Appeals, State of Michigan

ORDER

People of MI v Michael Notoriano

Docket No. 322178

LC No. 14-000324-FC

Michael J. Talbot
Presiding Judge

Kirsten Frank Kelly

Karen M. Fort Hood
Judges

Pursuant to MCR 7.205(E)(2), the Court orders that the May 30, 2014 order granting defendant's motion to preclude admission of text messages is REVERSED to the extent it precludes the admission of text messages sent from defendant's cell phone on July 21, 2013. That evidence is relevant to the charge of ethnic intimidation, MCL 750.147b(1); MRE 401, and is admissible because it is not unfairly prejudicial. MRE 403; MRE 402. The court abused its discretion in precluding admission of those text messages. *People v Burns*, 494 Mich 104, 11; 832 NW2d 738 (2013). The application for leave to appeal is otherwise DENIED for failure to persuade the Court of the need for immediate appellate review.

This order is to have immediate effect. MCR 7.215(F)(2).

This Court retains no further jurisdiction.



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

JUL 16 2014

Date


Chief Clerk