

Court of Appeals, State of Michigan

ORDER

People of MI v Sierra Nichole Tankersley

Docket No. 331544

LC No. 15-000376-FC

Cynthia Diane Stephens
Presiding Judge

Kirsten Frank Kelly

Karen M. Fort Hood
Judges

The Court orders that the motion for immediate consideration is GRANTED.

In lieu of granting the application for leave to appeal, pursuant to MCR 7.205(E)(2), the Court orders that the February 12, 2016 order of the Wayne Circuit Court is REVERSED. The court abused its discretion in denying the motion to admit the testimony of defendant's expert, Steven Rundell, PhD, pursuant to MRE 702. Defendant demonstrated that the proposed testimony is reliable under *Daubert v Merrell Dow Pharmaceuticals, Inc*, 509 US 579; 113 S Ct 2786; 125 L Ed 2d 469 (1993); *People v Unger*, 278 Mich App 210, 216-218; 749 NW2d 272 (2008).

The motion for stay pending appeal is DENIED.

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

FEB 16 2016

Date

Chief Clerk