

Court of Appeals, State of Michigan

ORDER

People of MI v Harold C Couch

Docket No. 333070

LC No. 15-017440-FH

Christopher M. Murray
Presiding Judge

Karen M. Fort Hood

Michael J. Riordan
Judges

Pursuant to MCR 7.205(E)(2), in lieu of granting the application for delayed appeal, the Court orders that the November 24, 2015 order granting defendant's motions to suppress and to quash the information is VACATED. The legal basis for the court's ruling is unclear. To the extent that the court ruled that defendant's verbal consent to search was invalid solely because it was given in circumstances in which a reasonable person would not have believed that he was free to leave, the ruling reflects an error of law. See *People v Reed*, 393 Mich 342, 366; 224 NW2d 867 (1975); *United States v Watson*, 423 US 411, 424; 96 S Ct 820; 46 L Ed 2d 598 (1976) ("[T]he fact of custody alone has never been enough in itself to demonstrate a coerced . . . consent to search."). The matter is REMANDED for the court to reconsider its ruling and provide factual findings and legal conclusions to support its decision.



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

SEP 30 2016

Date


Chief Clerk