

## Court of Appeals, State of Michigan

### ORDER

People of MI v Sean Emanuel Fields

Docket No. 334347

LC No. 16-004207-01-FC

Kurtis T. Wilder  
Presiding Judge

Kirsten Frank Kelly

Cynthia Diane Stephens  
Judges

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

Pursuant to MCR 7.205(E)(2), the Court orders that the Wayne Circuit Court's August 5, 2016 order is REVERSED. The circumstances surrounding the cases "indicate a single plan or scheme . . . to sexually molest the victim when the opportunity presented itself." *People v Miller*, 165 Mich App 32, 45; 418 NW2d 668 (1987). In both cases, defendant followed nearly the same template in luring women to his home before taking advantage of them in similar fashion as they became more vulnerable. Afterward, he attempted a friendly parting with both. See, e.g., *People v Oliphant*, 399 Mich 472, 487; 250 NW2d 443 (1976) (the change in the defendant's demeanor from "friendly" to "frightening" and the fact that the "the women were not allowed a chance to escape" established a common scheme or plan under the circumstances); see also *People v Sabin (After Remand)*, 463 Mich 43, 63 n 9, 69; 614 NW2d 888 (2000) (a common scheme or plan "need not be distinctive or unusual," or even a "true plan."). Additionally, the evidence would properly bolster the complainant's credibility, *id.* at 60 n 6, and is not unduly prejudicial under MRE 403 where the totality of defendant's alleged conduct is essential to establishing his guilt, the evidence is not cumulative, and the other details surrounding the alleged rapes (e.g., online dating, drinking games, parking locations, and house visits) are benign in and of themselves, *People v Blackston*, 481 Mich 451, 462; 751 NW2d 408 (2008). That some of defendant's actions are not criminal in nature and that the charges against him in both cases differ does not change this conclusion. See MRE 404(b) (referring to the conditions for admissibility of "other crimes, wrongs, or acts") (emphasis added); *Sabin*, 463 Mich at 56; ("Materiality [as a component of relevancy] . . . does not mean that the evidence must be directed at an element of a crime or an applicable defense."). The trial court erred in ruling otherwise.

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

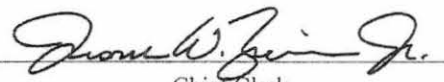
This Court retains no further jurisdiction.



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

**SEP 02 2016**

Date

  
Chief Clerk