

Court of Appeals, State of Michigan

ORDER

People of MI v Jason Max King

Docket No. 345388

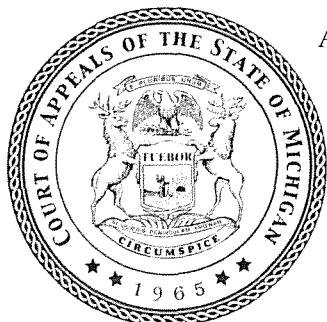
LC No. 2017-001863-FH

Douglas B. Shapiro
Presiding Judge

David H. Sawyer

William B. Murphy
Judges

Pursuant to MCR 7.205(E)(2), in lieu of granting the application for leave to appeal, the Court PEREMPTORILY REVERSES that portion of the August 15, 2018 bench ruling of the Berrien Circuit Court, which denied the prosecutor's motion in limine to exclude evidence of a 2011 decision declining to exercise jurisdiction over defendant's then-minor daughters in an abuse and neglect case. The circuit court abused its discretion when it ruled that such evidence was admissible on the issue of the credibility of two of the alleged victims. *People v Powell*, 303 Mich App 271, 276-277; 842 NW2d 538 (2013). The evidence is irrelevant on the issue of credibility and, hence, inadmissible. MRE 402; *Powell*, 303 Mich App at 277. However, even if the evidence was marginally probative, that probative value would be substantially outweighed by its prejudicial effect. MRE 403. The Court VACATES that portion of the circuit court's August 20, 2018 order that effectuated the circuit court's erroneous ruling. This matter is REMANDED for entry of an order granting the prosecutor's motion in limine in its entirety. This order has immediate effect. MCR 7.215(F)(2). This Court does not retain jurisdiction.



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

OCT 23 2018

Date


Chief Clerk