

Court of Appeals, State of Michigan

ORDER

People of MI v Jason John Noom

Docket No. 347136

LC No. 2018-017557-FH

Jane E. Markey
Presiding Judge

David H. Sawyer

Mark T. Boonstra
Judges

Pursuant to MCR 7.205(E)(2), in lieu of granting the application for leave to appeal, the Court PEREMPTORILY REVERSES the December 3, 2018 bench ruling of the Ionia Circuit Court granting defendant's motion to suppress, VACATES the December 17, 2018 order effectuating that bench ruling and REMANDS this matter for entry of an order denying the motion to suppress. The record provided does not support a conclusion that defendant was in custody when questioned by the detective. Consequently, *Miranda* warnings were not required, and defendant's statements to the detective should not have been suppressed. *People v Herndon*, 246 Mich App 371; 633 NW2d 376 (2001); *People v Zahn*, 234 Mich App 438; 594 NW2d 120 (1999). This order has immediate effect. MCR 7.215(F)(2). The Court does not retain jurisdiction.



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

MAR 18 2019

Date


Chief Clerk