

# Court of Appeals, State of Michigan

## ORDER

People of MI v Christopher Lerayburn Smith

Docket No. 348956

LC No. 18-006411-01-FH

Thomas C. Cameron  
Presiding Judge

Karen M. Fort Hood

Michael J. Riordan  
Judges

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

Pursuant to MCR 7.205(E)(2), and in lieu of granting leave to appeal, the Court orders that the Wayne Circuit Court's March 20, 2019 order, granting defendant's motion for a mistrial is REVERSED. The victim's outburst during defendant's testimony was not so egregious that any prejudicial effect could not be cured by the court's curative instruction, which we note defendant approved. The outburst did not constitute adequate grounds for a mistrial in light of that curative instruction. *See People v Bauder*, 269 Mich App 174, 195; 712 NW2d 506 (2005). The court abused its discretion in granting defendant's motion for a mistrial. *People v Dickinson*, 321 Mich App 1, 18; 909 NW2d 24 (2017). This matter is REMANDED for proceedings consistent with this order.

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

We do not retain jurisdiction.



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

JUN 06 2019

Date

  
Chief Clerk