

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellant,

v

WALTER G. MOORE,

Defendant-Appellee.

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UNPUBLISHED

February 19, 1999

No. 213803

Oakland Circuit Court

96-146091 FC

Before: Talbot, P.J., and Neff and Smolenski, JJ.

MEMORANDUM.

The prosecution appeals by leave granted from an order denying its motion to admit at defendant's trial the preliminary examination testimony of a witness who announced that she intended to assert her Fifth Amendment right against self-incrimination and refuse to testify at trial. We reverse.

This case arises from the same underlying proceedings at issue in *People v Meredith*, \_\_\_ Mich \_\_\_; \_\_\_ NW2d \_\_\_ (Docket No. 111977, issued December 9, 1998). We find the decision in *Meredith* to be dispositive of the instant appeal. Accordingly, consistent with *Meredith*, we reverse the trial court's ruling and hold that Lavinia Peoples' preliminary examination testimony may be admitted at defendant's trial should she again refuse to testify.

Reversed and remanded for further proceedings. We do not retain jurisdiction.

/s/ Michael J. Talbot

/s/ Janet T. Neff

/s/ Michael R. Smolenski