

Order

Michigan Supreme Court
Lansing, Michigan

July 2, 2020

Bridget M. McCormack,
Chief Justice

159912(63)

David F. Viviano,
Chief Justice Pro Tem

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

Stephen J. Markman
Brian K. Zahra
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh,
Justices

v

SC: 159912
COA: 340931
Van Buren CC: 2016-020783-FC

JASON BRENT KEISTER,
Defendant-Appellant.

On order of the Court, the motion for reconsideration of this Court's March 27, 2020 order is considered. We MODIFY the order, which now states:

On order of the Court, the application for leave to appeal the May 16, 2019 judgment of the Court of Appeals is considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we VACATE that part of the Court of Appeals judgment holding that the admission of testimony from Dr. Angela May that "there was a high likelihood of abuse" was not plain error. See *People v Keister*, unpublished per curiam opinion of the Court of Appeals, issued May 16, 2019 (Docket No. 340931) at 5-6. Her testimony was plainly contrary to *People v Smith*, 425 Mich 98 (1986), *People v Peterson*, 450 Mich 349 (1995), and *People v Thorpe*, 504 Mich 230 (2019). We REMAND this case to the Court of Appeals for consideration of whether the prejudice prong of the plain-error test was satisfied, and, if so, whether reversal of the defendant's convictions is warranted. See *People v Carines*, 460 Mich 750, 763-764 (1999). In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court.

We do not retain jurisdiction.

In all other respects, the motion for reconsideration is DENIED, because we are not persuaded that further reconsideration of our previous order is warranted. MCR 7.311(G).



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

July 2, 2020

Clerk