

Order

Michigan Supreme Court
Lansing, Michigan

February 8, 2013

Robert P. Young, Jr.,
Chief Justice

145967

Michael F. Cavanagh
Stephen J. Markman
Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 145967
COA: 305466
Saginaw CC: 10-034594-FC

FRANK ARTHUR CROWELL,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the August 14, 2012 judgment of the Court of Appeals is considered and, it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court. Defendant argues that the warrantless search of the contents of his cell phone based solely on the third-party consent of the complainant violated his Fourth Amendment right against unreasonable searches. See *United States v Matlock*, 415 US 164; 94 S Ct 988; 39 L Ed 2d 242 (1974). However, even if this evidence were to be suppressed, considering the weight and strength of the untainted evidence presented at trial, the defendant cannot demonstrate a reasonable probability that the result of the proceeding would have been different. *People v Carines*, 460 Mich 750 (1999).



s0205

I, Corbin R. Davis, 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.

February 8, 2013

Corbin R. Davis

Clerk