

Order

Michigan Supreme Court
Lansing, Michigan

September 29, 2017

Stephen J. Markman,
Chief Justice

155607

Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Joan L. Larsen
Kurtis T. Wilder,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellant,

v

SC: 155607
COA: 333206
Genesee CC: 15-038224-FC

JOHN EDWARD BARRITT,
Defendant-Appellee.

On order of the Court, the application for leave to appeal the February 14, 2017 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 judgment of the Court of Appeals holding that the defendant was subjected to custodial interrogation. Although the Court of Appeals properly concluded that the trial court erred by failing to apply the correct legal standards, the Court of Appeals should have remanded this case to the trial court for application of those standards in the first instance. Accordingly, we REMAND this case to the Genesee Circuit Court to determine, in light of all of the objective circumstances surrounding the interrogation: (1) whether a reasonable person would have felt that he was not at liberty to terminate the interrogation and leave; and (2) whether the environment presented the same inherently coercive pressures as the type of station house questioning at issue in *Miranda v Arizona*, 384 US 436; 86 S Ct 1602; 16 L Ed 2d 694 (1966). See *Howes v Fields*, 565 US 499, 509; 132 S Ct 1181; 182 L Ed 2d 17 (2012); *Yarborough v Alvarado*, 541 US 652, 663; 124 S Ct 2140; 158 L Ed 2d 938 (2004); *People v Elliott*, 494 Mich 292, 308 (2013).

We do not retain jurisdiction.



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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.

September 29, 2017

Clerk