

Order

Michigan Supreme Court
Lansing, Michigan

September 14, 2006

Clifford W. Taylor,
Chief Justice

131041 & (57)

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellant/
Cross-Appellee,

v

SC: 131041
COA: 256986
Genesee CC: 95-052613-FC

COREY RAMONE FRAZIER,
Defendant-Appellee/
Cross-Appellant.

On order of the Court, the application for leave to appeal the March 7, 2006 judgment of the Court of Appeals and the application for leave to appeal as cross-appellant are considered. The application for leave to appeal is GRANTED. The parties are directed to include among the issues to be briefed: 1) whether the exclusionary rule applies to fruits of a confession extracted not by police misconduct, but by the abandonment of retained counsel during the interrogation, a critical stage of proceedings, in violation of *United States v Cronin*, 466 US 648; 104 S Ct 2039; 80 L Ed 2d 657 (1984); and, if so, 2) whether the inevitable discovery doctrine of *Nix v Williams*, 467 US 431; 104 S Ct 2501; 81 L Ed 2d 377 (1984), applies in such circumstances; and, if so, 3) whether the exclusionary rule should be applied narrowly as suggested in *United States v Ceccolini*, 435 US 268; 98 S Ct 1054; 55 L Ed 2d 268 (1978), when the information derived from the confession is the identity of witnesses. The application for leave to appeal as cross-appellant is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court.

The Criminal Defense Attorneys of Michigan and the Prosecuting Attorneys Association of Michigan are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.



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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.

September 14, 2006

Corbin R. Davis

Clerk