

Order

Michigan Supreme Court
Lansing, Michigan

September 14, 2007

Clifford W. Taylor,
Chief Justice

133317

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,

v

SC: 133317
COA: 273193
Genesee CC: 05-015500-FC

THURMAN JONES,
Defendant-Appellee.

On order of the Court, the application for leave to appeal the February 1, 2007 judgment of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the question presented should be reviewed by this Court.

MARKMAN, J., dissents and states as follow:

Defendant indicated that he wished to speak to a police officer. When asked whether he understood that he had a right to an attorney, defendant responded, "Yes . . . can I have one now while we talk?" The officer then explained that defendant could either waive his right to an attorney and talk to the officer now or wait to talk to an attorney. Defendant then stated that he wished to waive his right to an attorney, signed a form waiving his right to an attorney, and spoke with the officer. Because defendant clearly indicated that he wished to waive his right to an attorney, defendant's statements to the officer should not have been suppressed. Therefore, I dissent from this Court's order denying leave to appeal; instead, I would reverse the judgment of the trial court.

TAYLOR, C.J., joins the statement of MARKMAN, J.



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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, 2007

Corbin R. Davis

Clerk