

# Order

Michigan Supreme Court  
Lansing, Michigan

May 30, 2008

135466

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

DAVID CRAIG BREEDING,  
Defendant-Appellant.

Clifford W. Taylor,  
Chief Justice

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

SC: 135466  
COA: 280708  
Wayne CC: 04-009734

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On order of the Court, the application for leave to appeal the October 23, 2007 order of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals for consideration, as on leave granted, of the defendant's claim that his constitutional right to confront the witnesses against him was violated by the trial court's admission, at the probation revocation hearing, of certain statements by out-of-court declarants. See *Crawford v Washington*, 541 US 36; 124 S Ct 1354; 158 L Ed 2d 177 (2004). In considering this claim, the Court of Appeals shall address whether the federal circuit Court of Appeals decisions addressing this issue are correct that *Crawford* does not apply to probation revocation hearings. See, e.g., *United States v Kelley*, 446 F3d 688 (CA 7, 2006); *United States v Rondeau*, 430 F3d 44 (CA 1, 2005); *United States v Hall*, 419 F3d 980 (CA 9, 2005); *United States v Kirby*, 418 F3d 621 (CA 6, 2005); *United States v Martin*, 382 F3d 840 (CA 8, 2004); and *United States v Aspinall*, 389 F3d 332 (CA 2, 2004). 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.



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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.

May 30, 2008

*Corbin R. Davis*

Clerk