

Order

Michigan Supreme Court
Lansing, Michigan

March 11, 2010

Marilyn Kelly,
Chief Justice

139766

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

CURTIS LEE NEWELL,
Plaintiff-Appellee,

v

SC: 139766
COA: 285086
Oakland CC: 2006-076539-CZ

CHAD ALLAN,
Defendant-Appellant,

and

BRENT MILES and COUNTY OF OAKLAND,
Defendants.

On order of the Court, the application for leave to appeal the July 2, 2009 judgment of the Court of Appeals is considered, and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REVERSE that part of the judgment of the Court of Appeals that reversed in part the summary disposition order of the Oakland Circuit Court. There was sufficient information in the search warrant affidavit to establish probable cause to issue the warrant even if the allegedly false statements are excluded. Because the warrant was therefore valid, see *Franks v Delaware*, 438 US 154; 98 S Ct 2674; 57 L Ed 2d 667 (1978), and *People v Reid*, 420 Mich 326; 362 NW2d 655 (1984), in this case, the Court of Appeals erred in reversing the trial court's dismissal of the false arrest/false imprisonment claim against defendant Allan.



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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.

March 11, 2010

Corbin R. Davis

Clerk