

Order

Michigan Supreme Court
Lansing, Michigan

September 17, 2014

Robert P. Young, Jr.,
Chief Justice

149040

Michael F. Cavanagh
Stephen J. Markman
Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack
David F. Viviano,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellant,

v

SC: 149040
COA: 314980
Genesee CC: 11-029652-FC

MANTREASE DATRELL SMART,
Defendant-Appellee.

On order of the Court, the application for leave to appeal the February 11, 2014 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on whether to grant the application or take other action. MCR 7.302(H)(1). The parties shall submit supplemental briefs within 42 days of the date of this order addressing whether the defendant's statement to the police on June 8, 2011 should be suppressed under MRE 410. In briefing this issue, the parties should include in their discussion whether, pursuant to MRE 410(4), "plea discussions" must directly involve a prosecuting attorney or whether a prosecuting attorney's agent may act on behalf of the prosecuting authority and, if so, under what circumstances the agent's discussions constitute "plea discussions." The parties should also address whether this Court's two-part analysis for determining if a statement was made "in connection with" a plea offer, established in *People v Dunn*, 446 Mich 409 (1994), should continue to guide the application of MRE 410, and if not, what test should be applied in its stead. The parties should not submit mere restatements of their application papers.



h0910

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 17, 2014


Clerk