

Order

Michigan Supreme Court
Lansing, Michigan

June 7, 2013

Robert P. Young, Jr.,
Chief Justice

145201

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-Appellee,

v

SC: 145201
COA: 302017
Wayne CC: 10-007922-FH

JESSE LAWRENCE HOLT, a/k/a JESSE
LAWRENCE HOLT,
Defendant-Appellant.

By order of September 4, 2012, the application for leave to appeal the April 10, 2012 judgment of the Court of Appeals was held in abeyance pending the decisions in *Florida v Jardines* (USSC Docket No. 11-564) and *Florida v Harris* (USSC Docket No. 11-817). On order of the Court, *Florida v Jardines* having been decided on March 26, 2013, 569 US ___; 133 S Ct 1409; 185 L Ed 2d 495 (2013), and *Florida v Harris* having been decided on February 19, 2013, 568 US ___; 133 S Ct 1050; 185 L Ed 2d 61 (2013), the application is again considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals and we REINSTATE the November 23, 2010 order of the Wayne Circuit Court. In *Florida v Jardines*, under circumstances very similar to those in this case, the United States Supreme Court ruled that the employment of a drug-sniffing dog within the curtilage of the defendant's home without a search warrant was a violation of the Fourth Amendment right against unreasonable searches and seizures. In light of the prosecutor's concession that absent the canine sniff the warrant was not supported by probable cause, and given the reasoning provided by the United States Supreme Court, the trial court in this case properly granted the defendant's motion to suppress the evidence seized in the search of his home.



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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.

June 7, 2013


Clerk