

**Court of Appeals, State of Michigan**

**ORDER**

People of MI v Michael Stephen Irish

Docket No. 281104

LC No. 07-000145-FH

Richard A. Bandstra  
Presiding Judge

Michael R. Smolenski

Jane M. Beckering  
Judges

---

The motion for immediate consideration is GRANTED.

Pursuant to MCR 7.205(D)(2), in lieu of granting the application for leave to appeal, the trial court's evidentiary ruling is PEREMPTORILY REVERSED, its September 28, 2007 order effectuating its ruling is VACATED and the matter is REMANDED to the trial court for the purpose of reconsidering the admissibility of the other acts evidence in light of the purposes proposed by the prosecutor. MRE 404(b)(1). The trial court erred as a matter of law when it determined that the other acts evidence was admissible to "corroborate" the testimony of the victim. *People v Sabin (After Remand)*, 463 Mich 43, 69-70; 614 NW2d 888 (2000); *People v Dobek*, 274 Mich App 58, 85; 732 NW2d 546 (2007). This order has immediate effect. MCR 7.215(F)(2). The Court does not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

OCT 23 2007  
Date

*Sandra Schultz Mengel*  
Chief Clerk