

# Court of Appeals, State of Michigan

## ORDER

People of MI v Joseph Black

Docket No. 279124

LC No. 98-012267

Christopher M. Murray  
Presiding Judge

Michael J. Talbot

Kirsten Frank Kelly  
Judges

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In lieu of granting leave to appeal, pursuant to MCR 7.205(D)(2), the Court orders that the June 13, 2007, order of the Wayne County Circuit Court, which granted defendant's motion in limine, is REVERSED. Because Frederick Williams died after defendant's preliminary examination, his testimony from the proceeding is admissible if defendant had the opportunity to cross-examine him. MRE 804(b)(1); *Crawford v Washington*, 541 US 36, 57; 124 S Ct 1354; 158 L Ed 2d 177 (2004). A review of the preliminary examination transcript reveals that defense counsel thoroughly cross-examined Williams about the drive-by shooting of Dennis Cameron, and impeached Williams' testimony with his previous statements given to the police. Although Williams could not recall whether he had been given immunity in exchange for his testimony against Glenn Ethridge at Ethridge's 1995 trial, defense counsel never asked Williams if this immunity extended to his testimony against defendant at his preliminary examination conducted three years later or if he was immune from prosecution in exchange for his testimony against defendant. Also, the district court properly limited defense counsel's attempt to read the statements made by the prosecutor from the 1995 trial regarding the agreement and it is clear that the district court did not afterward preclude counsel from asking Williams further questions. Indeed, defense counsel asked Williams about his understanding of the consequences of his actions of being the driver of the vehicle used in the drive-by shooting. Although defendant suggests on appeal that further cross-examination would have worked to undermine the credibility of Williams' claim that he did not remember being granted immunity from the prosecution, defense counsel did not pose any such question about his inability to recall the agreement at the preliminary examination, and there is no indication that the district court precluded counsel from doing so. Accordingly, the circuit court erred in ruling that the scope and nature of the cross-examination at the preliminary examination were significantly limited to deny defendant his right of confrontation.

This order is to have immediate effect, MCR 7.215(F)(2). The Court retains no further jurisdiction.



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

JAN 10 2008

Date

*Sandra Schultz Mengel*  
Chief Clerk