

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Dennis L Huguely**

Docket No. **279497**

L.C. No. **07-007758-01**

Brian K. Zahra, Judge, acting under MCR 7.211(E)(2), orders:

The prosecutor's confession of error is accepted and defendant's conviction and sentence are REVERSED. The trial court erred in admitting the prior testimony of Alice Johnson because there was no showing that the prosecutor made a diligent good-faith effort to procure her attendance at trial, see MRE 804(a)(5) and *People v James (After Remand)*, 192 Mich App 568, 571 (1992); the admission of the hearsay within hearsay statement of her daughter violated defendant's confrontation right under *Crawford v Washington*, 541 US 36; 124 S Ct 1354; 158 L Ed 2d 177 (2004); and the errors cannot be considered harmless. The matter is REVERSED and REMANDED for a new trial.



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

MAY 01 2008

Date

Sandra Schultz Mengel
Chief Clerk