

**Court of Appeals, State of Michigan**

**ORDER**

RICKY SYKES JR V TIMOTHY ALLEN SHAMPINE

Pat M. Donofrio  
Presiding Judge

Docket No. 325553

Kathleen Jansen

LC No. 2013-135788-NI

Deborah A. Servitto  
Judges

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The Court orders that the motion to allow amended motion for immediate consideration is GRANTED.

The motion for immediate consideration is GRANTED.

The motion to amend the application is GRANTED, and the application considered using the amended statement regarding the applicable standard of review.

In lieu of granting leave to appeal, pursuant to MCR 7.205(E)(2), the Court orders that the Oakland Circuit Court's December 22, 2014 order granting plaintiff's motion in limine is REVERSED IN PART to the extent it precludes admission of or reference to plaintiff's nolo contendere plea to operating a motor vehicle while intoxicated. The evidence that plaintiff pleaded no contest to OWI is highly relevant to establishing that he had an unlawful blood alcohol level at the time of the collision which led to plaintiff's claims and can be admitted to support a defense under MCL 600.2955a. MRE 401, MRE 410(2); *Auto Club Group Ins v Booth*, 289 Mich App 606, 611; 797 NW2d 695 (2010).

This Court retains no further jurisdiction.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

**MAR 13 2015**

Date

Chief Clerk