

Court of Appeals, State of Michigan

ORDER

People of MI v Walter Bass III

Docket No. 325769

LC No. 14-005979-FC

Cynthia Diane Stephens
Presiding Judge

Christopher M. Murray

Karen M. Fort Hood
Judges

The Court orders that, in lieu of granting the delayed application for leave to appeal, pursuant to MCR 7.205(E)(2), the trial court's December 10, 2014 order regarding the admissibility of other act evidence is VACATED. The prosecution filed two notices of intent to introduce other act evidence relating to two women: April Black and Carmen Bullard. In its written order, the trial court conflated allegations surrounding the April Black homicide investigation in 2012 with the facts underlying defendant's 1996 conviction for the sexual assault and assault with intent to murder Carmen Bullard. It is unclear in the December 10, 2014 written order whether the trial court intended to admit one or both of the other acts at trial.

Accordingly, this case is REMANDED to the trial court for further proceedings consistent with this order. On remand, the trial court shall enter a new order on the admissibility of each act pertaining to Carmen Bullard and April Black under MRE 404(b) and *People v VanderVliet*, 444 Mich 52; 508 NW2d 114 (1993). The trial court is instructed to enter a written order within 14 days of the Clerk's certification of this order. Appellant's counsel, David Cripps, shall immediately file with this Court a copy of the order entered on remand and serve it on assistant prosecuting attorney David McCreedy.

The delayed application for leave to appeal is HELD IN ABEYANCE until further order of this Court.

We retain jurisdiction.



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

FEB 17 2015

Date

Chief Clerk