

**Court of Appeals, State of Michigan**

**ORDER**

People of MI v Mario Shantez Goss

Docket No. 329315

LC No. 15-004425-FC

Christopher M. Murray  
Presiding Judge

Michael J. Talbot

Kirsten Frank Kelly  
Judges

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

Pursuant to MCR 7.205(E)(2), the September 17, 2015 order granting the motion in limine and precluding the admission of a jailhouse recording of a telephone call between two acquaintances is REVERSED. “[A] statement made to an acquaintance, outside a formal proceeding, is a nontestimonial statement and may be admitted as substantive evidence at trial pursuant to MRE 804(b)(3).” *People v Bennett*, 290 Mich App 465, 483; 802 NW2d 627 (2009), citing *People v Taylor*, 482 Mich 368, 378-379; 759 NW2d 361 (2008).

The motion to waive the transcript production requirement of MCR 7.209 is GRANTED.

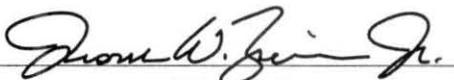
The motion for stay pending appeal is DENIED as moot.



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

SEP 18 2015

Date

  
Chief Clerk