

Order

Michigan Supreme Court
Lansing, Michigan

July 21, 2006

127983
& (38)

Clifford W. Taylor,
Chief Justice

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

IN RE FORFEITURE OF \$180,975.00

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 127983
COA: 249699
Van Buren CC: 02-500459-CF

\$180,975.00 IN U.S. CURRENCY,
Defendant,

and

TAMIKA SHANTE SMITH,
Claimant-Appellant,

and

TODD FITZGERARLD FLETCHER,
Claimant.

By order of November 2, 2005, this Court directed the Van Buren County Prosecuting Attorney to answer the application for leave to appeal. On order of the Court, the brief having been filed, the application for leave to appeal the December 28, 2004 judgment of the Court of Appeals is again considered, and it is GRANTED. The parties shall include among the issues to be addressed: (1) the proper application of the exclusionary rule in a forfeiture proceeding in which the property subject to forfeiture has been illegally seized, and (2) whether *In re Forfeiture of United States Currency*, 166 Mich App 81 (1988), was correctly decided.

The Criminal Defense Attorneys of Michigan and the Prosecuting Attorneys Association of Michigan are invited to file briefs amicus curiae. Other persons or groups

interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

July 21, 2006

Corbin R. Davis

Clerk