

Order

Michigan Supreme Court
Lansing, Michigan

March 30, 2011

142751

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellant,

v

RICHARD KENNETH PULLEN,
Defendant-Appellee.

Robert P. Young, Jr.,
Chief Justice

Michael F. Cavanagh
Marilyn Kelly
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

SC: 142751
COA: 298138
Bay CC: 09-010497-FH

By order of March 18, 2011, this Court granted immediate consideration and ordered a stay of trial court proceedings. On order of the Court, the application for leave to appeal the February 15, 2011 judgment of the Court of Appeals is considered, and it is GRANTED. The parties shall include among the issues to be briefed: (1) whether the omission of any reference to MRE 403 in MCL 768.27a (as compared to MCL 768.27b(1)), while mandating that evidence of other offenses “is admissible for any purpose for which it is relevant,” would violate a defendant’s due process right to a fair trial; and (2) whether the Court should rule that evidence of other offenses described in MCL 768.27a is admissible only if it is not otherwise excluded under MRE 403. The stay of trial court proceedings remains in effect.

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.

March 30, 2011

Corbin R. Davis

Clerk