

# Order

Michigan Supreme Court  
Lansing, Michigan

January 24, 2013

146295-6 & (46)

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellant,

v

STANLEY G. DUNCAN,  
Defendant-Appellee.

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellant,

v

VITA DUNCAN,  
Defendant-Appellee.

Robert P. Young, Jr.,  
Chief Justice

Michael F. Cavanagh  
Stephen J. Markman  
Mary Beth Kelly  
Brian K. Zahra  
Bridget M. McCormack,  
Justices

SC: 146295  
COA: 312637  
Macomb CC: 2011-003839-FC;  
2011-004304-FC

SC: 146296  
COA: 312638  
Macomb CC: 2011-004401-FC

On order of the Court, the motion for immediate consideration is GRANTED. The application for leave to appeal the November 29, 2012 judgment of the Court of Appeals is considered, and it is GRANTED, limited to the issue whether the witness was “unavailable” for the purposes of MRE 804(a). Pursuant to MCR 7.302(H)(1), we VACATE as dicta those portions of the Court of Appeals judgment and the Macomb Circuit Court’s October 5, 2012 opinion discussing whether the admission of the complainant’s preliminary examination testimony would violate the defendants’ Confrontation Clause rights pursuant to *Crawford v Washington*, 541 US 36; 124 S Ct 1354; 158 L Ed 2d 177 (2004).

The Clerk of the Court is directed to place this case on the April 2013 session calendar for argument and submission. Appellant’s brief and appendix must be filed no later than February 26, 2013, and appellees’ brief and appendix, if appellees choose to submit an appendix, must be filed no later than March 22, 2013.

Persons or groups interested in the determination of the issue presented in this case may move the Court for permission to file briefs amicus curiae.



d0122

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.

January 24, 2013

*Corbin R. Davis*

Clerk