

# Order

Michigan Supreme Court  
Lansing, Michigan

November 8, 2013

Robert P. Young, Jr.,  
Chief Justice

147261 & (61)

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

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellant/Cross-Appellee,

v

SC: 147261  
COA: 307028  
Calhoun CC: 2011-001705-FC

LEVON LEE BYNUM,  
Defendant-Appellee/Cross-Appellant.

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On order of the Court, the application for leave to appeal the April 18, 2013 judgment of the Court of Appeals is considered, and it is GRANTED, limited to the following issues: (1) whether the police officer's expert testimony regarding gangs and gang membership — especially the testimony as to the defendant's gang, the defendant's role in his gang, and premeditation — was more prejudicial than probative under MRE 403; (2) the extent to which the profiling factors listed in *People v Murray*, 234 Mich App 46, 56-58 (1999), apply to the admissibility of this expert testimony; (3) whether any error by the trial court with respect to this testimony was preserved; and (4) whether, if there was any such error by the trial court, the Court of Appeals correctly held that the defendant was entitled to a new trial or whether any error was harmless. The defendant's application for leave to appeal as cross-appellant remains pending.

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.



s1105

I, Larry S. Royster, 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.

November 8, 2013

  
Clerk