

Order

Michigan Supreme Court
Lansing, Michigan

December 9, 2005

128407 & (75)

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

DARRELL JERROD PHILLIPS,
Defendant-Appellant.

Clifford W. Taylor,
Chief Justice

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

SC: 128407
COA: 246922
Wayne CC: 02-005789-01

On order of the Court, the motion to add issue is considered and it is DENIED. The application for leave to appeal the December 21, 2004 judgment of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court.

KELLY, J., dissents and states as follows:

The *corpus delicti* rule for felony murder applies here. It requires the prosecution to prove the underlying felony before a defendant's statement of intent to commit the underlying felony can be used against the defendant to establish the felony murder. Because that rule was violated, the Court should grant leave to appeal and should reconsider *People v Hughey*, 186 Mich App 585 (1990).



s1206

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.

December 9, 2005

Corbin R. Davis

Clerk