

Order

Michigan Supreme Court
Lansing, Michigan

June 28, 2010

Marilyn Kelly,
Chief Justice

Rehearing No. 563

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

1 December 8

136648

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 136648
COA: 277012
Wayne CC: 06-013878-01

EDWIN DEWAYNE RICHMOND,
Defendant-Appellant.

AMENDMENT TO ORDER

On order of the Court, this Court's June 28, 2010 order is amended to correct the third paragraph to read as follows:

Moreover, we note that the prosecutor has non-frivolous arguments such that she can appropriately seek to reinstate her case. The comments to MRPC 3.1 define "frivolous" as "an action taken primarily for the purpose of harassing or maliciously injuring a person." In light of the intervening change in the law in *Keller*, in view of the fact that the prosecutor has received a unanimous Court of Appeals decision in her favor, and in view of the clarifying nature of the instant decision, we believe that reasonable arguments remain available to the prosecutor to explain why reinstatement of charges under these circumstances is appropriate.

The remainder of the order and the separate statements of the Justices remain unchanged.



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.

June 28, 2010

Corbin R. Davis

Clerk