

Court of Appeals, State of Michigan

ORDER

PEOPLE OF MI V DARON MANDEL EVANS

Docket No. 314850

LC No. 2012-243961-FC

Deborah A. Servitto
Presiding Judge

Mark J. Cavanagh

E. Thomas Fitzgerald
Judges

The Court orders pursuant to MCR 7.205(D)(2), that the Oakland Circuit Court's order issued February 4, 2013 is REVERSED IN PART to the extent the court denied admission in the prosecutor's case in chief of the evidence found during the search of defendant's residence. The evidence found during the search of defendant's residence pursuant to a warrant, consisting of heroin, lottery tickets used for packaging, prescription pill bottles, firearm, and cartridges, was highly relevant to showing defendant's identity as the source of the narcotics at issue as well as his scheme, plan, or system in packaging and distributing narcotics. This evidence is admissible under MRE 404(b)(1). While this evidence may also reflect on the defendant's character, the probative value of this evidence is not substantially outweighed by the danger of unfair prejudice under MRE 403. *People v Mardlin*, 487 Mich 609; 790 NW2d 607 (2010); *People v Danto*, 294 Mich App 596; 822 NW2d 600 (2011).

This order is to have immediate effect. MCR 7.215(F)(2).

This Court retains no further jurisdiction.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

APR 26 2013

Date


Chief Clerk