Court of Appeals, State of Michigan

ORDER

People of MI v Tiffany Marie Davis

Docket No. 312731

LC No. 12-000217-FH

Peter D. O'Connell
Presiding Judge

Donald S. Owens

Michael J. Kelly
Judges

The Court orders that the motion for immediate consideration is GRANTED.

The motion for peremptory reversal pursuant to MCR 7.211(C)(4) is GRANTED for the reason that dismissal with prejudice is not authorized by law, and is not a proper remedy for the prosecutor's failure to mail subpoenas to witnesses. *People v Sierb,* 456 Mich 519, 531-533; 581 NW2d 219 (1988); *People v Gray,* unpublished opinion per curiam of the Court of Appeals, issued October 22, 2009 (Docket No. 288052).

The order of dismissal is REVERSED and the cause is REMANDED for further proceedings consistent with this order.

We do not retain jurisdiction.

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

NOV 0 2 2012
Date

Chief Clerk