Court of Appeals, State of Michigan

ORDER

People of MI v Louis James-Curtis Ruffin

Docket No. 316248

LC No. 12-011928-FC

Michael J. Riordan
Presiding Judge

Kirsten Frank Kelly

Karen M. Fort Hood
Judges

The Court orders that the order of May 17, 2013, is VACATED to the extent that it held the application in abeyance. In lieu of granting the application, the Court orders, pursuant to MCR 7.205(D)(2), that the May 14, 2013, order of the Wayne Circuit Court regarding discovery hereby is REVERSED.

The trial court abused its discretion in granting defendant's request to discover the psychiatric records of the victim of the armed robbery for the six months before the offense and the two weeks after. The record does not reflect that defendant provided the circuit court with any demonstrable facts indicating a reasonable probability existed that the information was likely to be material to trial. See *People v Stanaway*, 446 Mich 643, 677; 521 NW2d 557 (1994). Thus, defendant did not satisfy his burden of showing that the information was necessary for the preparation of his alibi defense and instead was not a fishing expedition. See *id.* at 680. The case is REMANDED to the circuit court for further proceedings consistent with this order.

The Court retains no further jurisdiction. This order is to have immediate effect, MCR 7.215(F)(2).

A true copy entered and certified by Angela P. DiSessa, Acting Chief Clerk, on

MAY 31 2013
Date

Angela P. DiSessa
Acting Chief Clerk