

# Order

Supreme Court  
Lansing, Michigan

September 21, 2005

Clifford W. Taylor,  
Chief Justice

127119 & (63)

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

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 127119  
COA: 246039  
Shiawassee CC: 02-008238-FH

BRIAN ALLAN CURRENT,  
Defendant-Appellant.

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On order of the Court, the application for leave to appeal the September 16, 2004 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we VACATE the decision of the Court of Appeals and defendant's convictions, and we REMAND this case to the Shiawassee Circuit Court for further proceedings consistent with this order. The trial court erred by utilizing the rape-shield statute, MCL 750.520j, to refuse to admit evidence of the prior sexual assaults on the complainant. "We recognize that in certain limited situations, such evidence may not only be relevant, but its admission may be required to preserve a defendant's constitutional right to confrontation." *People v Hackett*, 421 Mich 338, 348 (1984). This case presents such a situation.

CAVANAGH and KELLY, JJ., would grant leave to appeal.



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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.

September 21, 2005

*Corbin R. Davis*

Clerk