

MSC Order List: April 18, 2011

20. April 2011 By Layla Kuhl

The Michigan Supreme Court dismissed one application for leave to appeal based on the parties' stipulation, granted five motions for brief filing extensions and vacated its 2009 opinion in *People v Bryant* in accordance with the mandate of the Supreme Court of the United States.

In *People v Bryant*, defendant was convicted of second-degree murder. The [Court of Appeals](#) affirmed, and the [Michigan Supreme Court](#) reversed and remanded for a new trial. The Michigan Supreme Court determined that the victim's statements to the police was inadmissible testimonial hearsay, because the primary purpose of the interrogation was to establish or prove past events potentially relevant to later criminal prosecution. The present order vacates the Michigan Supreme Court's determination and reinstates the Court of Appeals conclusion that the statements were non-testimonial under the test set forth in *Davis*, 547 US at 822, because they were made "in the course of a police interrogation under circumstances objectively indicating that its primary purpose was to enable police assistance to meet an ongoing emergency."