

## MSC Order List: March 26, 2011

[26. March 2011](#) By [Matthew Nelson](#)

The Court granted leave in two cases, denied leave in three cases, and denied reconsideration in one case.

In *People v. Kowalski*, the Court granted leave to appeal to address whether expert testimony regarding the existence of false confessions, and the interrogation techniques and psychological factors that tend to generate false confessions, is admissible under MRE 403 and 702. In a split decision, the Court of Appeals [affirmed](#) the trial court's decision to exclude the expert testimony explaining that the experts' conclusions were not the result of reliable methods or principles, would not help the jury, and would unfairly prejudice the prosecution. Then-Judge Alton Davis partially [dissented](#) because he believed the trial court should have permitted the experts to testify regarding whether false confessions occur without mental illness or torture, and that the defendant's personality traits makes him prone to giving a false confession. The Court invited the Criminal Defense Attorneys of Michigan and the Prosecuting Attorneys Association of Michigan to file amicus briefs.

In *Charter Township of Haring v. City of Cadillac*, the Court granted leave to appeal to address whether the townships' claims are ripe; and whether *Washtenaw County Health Department v. T&M Chevrolet, Inc.*, 406 Mich. 518; 280 N.W.2d 822 (1979) was correctly decided and if so, whether it requires the City of Cadillac to continue to provide wastewater treatment services to the surrounding townships after their contracts expire in 2017. The case arises from the City of Cadillac's decision to stop providing wastewater treatment services to the surrounding townships after the current contracts expired. The townships sued to require Cadillac to continue providing services, but the trial court ruled that the contracts and existing law did not compel Cadillac to provide wastewater treatment services after the contracts expired. In a split decision, the Court of Appeals [affirmed](#). Judge Jansen, in [dissent](#), concluded that the issue was not ripe because notice to terminate the contracts was not required until 2015, and intervening Cadillac City Commissions could change Cadillac's decision. The Supreme Court's reference to *T&M Chevrolet* is notable because the case does not appear in the Court of Appeals opinions.