

MSC Order List: March 30, 2011

31. March 2011 By Layla Kuhl

The Court granted leave in *People v Pullen* and *People v Watkins*, denied eleven applications, held two cases in abeyance pending the outcomes of *People v Pullen* and *People v Watkins*, and in lieu of granting leave to appeal, the Court reversed the Court of Appeals in two cases and remanded one case to the Court of Appeals.

In *People v Pullen*, the Court granted leave to address whether MCL 768.27a, which provides that “evidence that the defendant committed another listed offense against a minor is admissible...,” violates a defendant’s due process right to a fair trial, since it does not reference MRE 403. In *Pullen*, defendant was charged with two counts of second-degree criminal sexual conduct. The prosecution sought to introduce a 1989 police report concerning allegations of prior sexual abuse by defendant’s then 16-year-old daughter. The trial court excluded the evidence relying on the MRE 403 balancing test. The Court of Appeals affirmed.

Similarly, in *People v Watkins*, the Court granted leave to address the constitutionality of MCL 768.27a. The Court also directed the parties to brief whether MCL 768.27a conflicts with MRE 404(b), which provides that “[e]vidence of other crimes, wrongs, or acts is not admissible to prove the character of a person....” In *Watkins*, the defendant was also convicted several counts of criminal sexual conduct.