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MSC Order List: April 25, 2011

28. April 2011 By Layla Kuhl

The Court denied leave in 131 cases, directed the prosecution to answer 1 application for leave to appeal, and denied reconsideration in 7 cases. The Court took substantive action in 2 cases.

In *People v Hill*, the Court affirmed in part and reversed in part the Court of Appeals judgment. The Court affirmed the Court of Appeals conclusion that Trooper Escott was not required to be qualified pursuant to MRE 702 because he was not testifying as an expert witness as he did not interpret or extrapolate about the facts and personal observations he testified to. The Court reversed Court of Appeals with regard to the admission of an out-of-court statement about the defendant's coat, concluding that the admission was harmless error because each victim provided testimony identifying the coat. Justice Kelly dissented stating that circumstances of the identifications diminished the certainty of the victims, statements.

The Court also granted rehearing in *Anglers of the AuSable, Inc. v. Dep't of Environmental Quality* and vacated its December 29, 2010 Opinion and dismissed it on grounds of mootness. A detailed summary of the order can be found here.