

Order

Michigan Supreme Court
Lansing, Michigan

January 30, 2015

Robert P. Young, Jr.,
Chief Justice

149040

Stephen J. Markman
Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellant,

v

SC: 149040
COA: 314980
Genesee CC: 11-029652-FC

MANTREASE DATRELL SMART,
Defendant-Appellee.

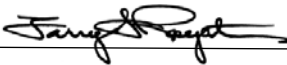
On January 13, 2015, the Court heard oral argument on the application for leave to appeal the February 11, 2014 judgment of the Court of Appeals. On order of the Court, the application is again considered. MCR 7.302(H)(1). As the parties concede, MRE 410(4) does not require that a statement made during plea discussions be made in the presence of an attorney for the prosecuting authority. It only requires that the defendant's statement be made "in the course of plea discussions" with the prosecuting attorney. Therefore, in lieu of granting leave to appeal, we **OVERRULE** the Court of Appeals statement to the contrary in *People v Hannold*, 217 Mich App 382, 391 (1996). In all other respects, leave to appeal is **DENIED**, because we are not persuaded that the remaining questions presented should be reviewed by this Court.



h0127

I, Larry S. Royster, 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.

January 30, 2015


Clerk