

Order

Michigan Supreme Court
Lansing, Michigan

June 12, 2019

Bridget M. McCormack,
Chief Justice

159001

David F. Viviano,
Chief Justice Pro Tem

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

Stephen J. Markman
Brian K. Zahra
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh,
Justices

v

SC: 159001
COA: 327491
Wayne CC: 14-004600-FH

DARRELL WILDER, a/k/a DARRELL
JOHN WILDER, a/k/a DARRELL J. WILDER,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the November 27, 2018 judgment of the Court of Appeals is considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we VACATE Part III of the Court of Appeals opinion, and we REMAND this case to that court for reconsideration of the defendant's argument. The Court of Appeals erred in asserting that the erroneously admitted testimony of Tameachi Wilder regarding her knowledge of the defendant's prior firearms-related convictions was harmless due to the "untainted and unequivocal testimony" of two police officers that they saw the defendant in possession of the gun. The Court of Appeals failed to acknowledge that two other witnesses (Charmell Richardson and Carlos Wilder) offered testimony that contradicted that testimony. That failure resulted in the Court of Appeals effectively determining that the officers' testimony was credible and that Richardson's and Wilder's was not. On remand, the Court of Appeals shall engage in "an examination of the entire cause," *People v Lukity*, 460 Mich 484, 495-496 (1999), and reconsider whether it is more probable than not that the error was outcome determinative.

We do not retain jurisdiction.



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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.

June 12, 2019

Clerk