

Order

Michigan Supreme Court
Lansing, Michigan

October 28, 2020

Bridget M. McCormack,
Chief Justice

159843

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: 159843
COA: 341560
Oakland CC: 2017-263204-FH

CHRISTOPHER DEWAYNE WHITLOCK, a/k/a
CHRISTOPHER DWAYNE WHITLOCK,
Defendant-Appellant.

By order of February 4, 2020, the prosecuting attorney was directed to answer the application for leave to appeal the May 9, 2019 judgment of the Court of Appeals. On order of the Court, the answer having been received, the application for leave to appeal is again considered. Pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we VACATE Part II and Part III-F of the judgment of the Court of Appeals and we REMAND this case to the Court of Appeals for reconsideration. On remand, the Court of Appeals is to determine whether: (1) the admission of other-act evidence pursuant to MCL 768.27a and *People v Watkins*, 491 Mich 450 (2012), may have confused jurors regarding the nature of the charged acts, and if so, whether the potential for confusion of the issues substantially outweighed the evidence's probative value, MRE 403; and (2) the prosecutor's use of the forensic interviewer's testimony entitles the defendant to a new trial pursuant to *People v Thorpe*, 504 Mich 230 (2019). 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.



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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.

October 28, 2020

Clerk