

STATE OF MICHIGAN
IN THE SUPREME COURT

Appeal from the Court of Appeals
Servitto, P.J., Fitzgerald and Talbot, JJ.

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff/Appellant,

v.

Supreme Court No. 133128
Court of Appeals No. 261382
Livingston County
Circuit Court Case No. 04-14530-AR
District Court Case No. 04-5593-FY

DAVID CARL BARRETT,

Defendant/Appellee.

DAVID L. MORSE
LIVINGSTON COUNTY PROSECUTING ATTORNEY

Patrick K. Ehlmann (P31644)
Attorney for Defendant/Appellee

*133128
Supp Auth*

APPELLANT'S SUPPLEMENTAL AUTHORITY

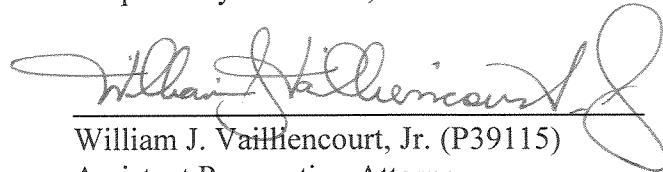
DAVID L. MORSE
LIVINGSTON COUNTY PROSECUTING ATTORNEY
William J. Vaillencourt, Jr. (P39115)
Assistant Prosecuting Attorney
Attorney for Plaintiff/Appellant
210 S. Highlander Way
Howell, Michigan 48843
(517) 546-1850

DAVID L. MORSE
Prosecuting Attorney
10 South Highlander Way
Howell, Michigan 48843

FILED
JUL 20 2007
CORBIN R. DAVIS
CLERK
MICHIGAN SUPREME COURT

On July 12, 2007, the Washington Supreme Court issued its opinion in *State v Young*, ___ Wash2d ___; ___ P3d ___; 2007 WL 2003398 (Docket No 76533-2, 2007),¹ which refused to follow this Court's opinion in *People v Burton*, 433 Mich 268; 445 NW2d 133 (1989). The *Young* court further rejected the Washington Court of Appeals opinion in *State v Terry*, 10 Wash App 874; 520 P2d 1397 (1974), which was relied on by *Burton*.

Respectfully submitted,



William J. Vaillencourt, Jr. (P39115)
Assistant Prosecuting Attorney

Dated: July 17, 2007

DAVID L. MORSE
Prosecuting Attorney
10 South Highlander Way
Howell, Michigan 48843

¹The opinions are available on the Court's website at <http://www.courts.wa.gov/opinions/?fa=opinions.recent>.

STATE OF MICHIGAN

IN THE SUPREME COURT

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellant,

Supreme Court #133128

COA #261382

v

Circuit Ct. #04-014530-AV

District Ct. #04-5593-FY

DAVID CARL BARRETT,

Defendant-Appellee .

_____ /

PROOF OF SERVICE

STATE OF MICHIGAN)
) SS
COUNTY OF LIVINGSTON)

The undersigned deponent being fully sworn, deposes and says:

- 1. That he/she deposited in an envelope the following documents:

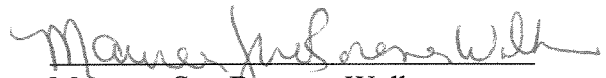
APPELLANT'S SUPPLEMENTAL AUTHORITY

- 2. XXX That he/she deposited said envelope in the U.S. Mail in the City of Howell on July 18, 2007 bearing postage fully prepaid, plainly addressed as follows: Mr. Patrick K. Ehlmann, Attorney at Law, 1411 North Harrison Avenue, Lansing, MI . 48823-1801 .

- 3. _____ That he/she personally served said envelope upon _____ Located at _____

- 4. _____ That he/she deposited said envelope in the Interoffice Mail on _____ addressed as follows: _____

- 5. _____ That he/she faxed said documents to _____ at _____ on _____


Maureen Sue Borener-Walker

DAVID L. MORSE
Prosecuting Attorney
210 South Highlander Way
Howell, Michigan 48843