Court of Appeals, State of Michigan

ORDER

PEOPLE OF MI V ROBERT JOHNSON

Docket No. 378902

LC No. 2025-294092-FH

Thomas C. Cameron
Presiding Judge

Brock A. Swartzle

Kathleen A. Feeney
Judges

Pursuant to MCR 7.205(E)(2), in lieu of granting the delayed application for leave to appeal, the Court VACATES the trial court's September 10, 2025 order and REMANDS to the trial court for reconsideration of defendant's motion to dismiss. On remand, the trial court shall hold an evidentiary hearing to determine whether the Oakland County Sheriff's Office acted in bad faith by destroying body-cam footage. See *Arizona v Youngblood*, 488 US 51, 57-58; 109 S Ct 333; 102 LEd 2d 281 (1988). The trial court shall take evidence regarding the Sheriff's Office's retention policies for body-cam footage and the reasons for the Office's failure to retain the videos at issue in this case as required by MCL 780.316. While it may be that the police merely acted negligently in failing to preserve the footage, see *Youngblood*, 488 US at 58, absent an evidentiary hearing, a fact question remains whether the police acted in bad faith. On remand, the trial court shall make factual findings regarding bad faith and enter an order deciding defendant's motion to dismiss.

This order is to have immediate effect. MCR 7.215(F)(2).

We do not retain jurisdiction.



Presiding Judge

Cameron, J., would have denied the delayed application for leave to appeal.

A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

March 25, 2026
Date



Chief Clerk