

Order

Michigan Supreme Court
Lansing, Michigan

October 28, 2022

Bridget M. McCormack,
Chief Justice

162777

Brian K. Zahra
David F. Viviano
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh
Elizabeth M. Welch,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 162777
COA: 352517
Saginaw CC: 17-043726-FC

ALEXIS CHRISTINE WELSH,
Defendant-Appellant.

On October 13, 2022, this Court heard oral argument on the application for leave to appeal the June 18, 2019 and February 18, 2021 judgments of the Court of Appeals. On order of the Court, the application is again considered. MCR 7.305(H)(1). We REVERSE in part the June 18, 2019 judgment of the Court of Appeals and REMAND this case to the Saginaw Circuit Court for a new trial before a properly instructed jury. The Court of Appeals correctly held that the trial court erred when it instructed the jury that the defendant's conspiracy with regard to an intent to murder one individual could be transferred to charges of conspiracy with intent to murder others. The panel erred, however, in finding no cause to reverse. The trial court's erroneous instruction that the transferred-intent doctrine applied to the defendant's conspiracy charges permitted the jury to find the defendant guilty of conspiracy against the identified victims (Berrian and Jones) on the basis of a different, uncharged conspiracy against one individual (DT). The jury's note during deliberations suggests that the jury did so, and at a minimum, even assuming that the error was nonconstitutional, the defendant is entitled to a new trial because the error "undermined reliability in the verdict." *People v Cornell*, 466 Mich 335, 364 (2002). In all other respects, the application for 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, 2022

Clerk