

Order

Michigan Supreme Court
Lansing, Michigan

November 19, 2025

Megan K. Cavanagh,
Chief Justice

168853

Brian K. Zahra
Richard H. Bernstein
Elizabeth M. Welch
Kyra H. Bolden
Kimberly A. Thomas
Noah P. Hood,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 168853
COA: 376014
Wayne CC: 04-012890-FC

THELONIOUS DESHANE-EAR SEARCY,
Defendant-Appellant.

By order of August 15, 2025, the plaintiff was directed to answer the application for leave to appeal the July 31, 2025 order 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(I)(1), in lieu of granting leave to appeal, we VACATE the May 23, 2025 order of the Wayne Circuit Court denying the defendant's motion to exclude expert testimony on ballistics and toolmark identification. The trial court abused its discretion by failing to act as a gatekeeper of expert opinion testimony under MRE 702. *Gilbert v DaimlerChrysler Corp*, 470 Mich 749, 782 (2004). We REMAND this case to that court to conduct an evidentiary hearing to consider whether the plaintiff's proposed expert testimony meets the criteria of MRE 702. See *Danhoff v Fahim*, 513 Mich 427, 443-445 (2024); *People v Tomasik*, 498 Mich 953 (2015); *Craig v Oakwood Hosp*, 471 Mich 67, 77-80 (2004). The stay of trial court proceedings, ordered on August 15, 2025, is DISSOLVED.

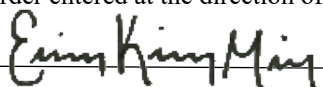
We do not retain jurisdiction.



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I, Elizabeth Kingston-Miller, 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.

November 19, 2025


Clerk