

Order

Michigan Supreme Court
Lansing, Michigan

October 20, 2021

Bridget M. McCormack,
Chief Justice

162326

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: 162326
COA: 354388
Muskegon CC: 14-064458-FC

DEREK JAMES RAINBOLT,
Defendant-Appellant.

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On order of the Court, the application for leave to appeal the October 20, 2020 order of the Court of Appeals is considered. Pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we VACATE that part of the April 17, 2020 opinion and order of the Muskegon Circuit Court denying the defendant's motion for relief from judgment, and we REMAND this case to that court for reconsideration. On remand, the trial court shall consider whether Barbara Cross impermissibly vouched for the credibility of the victim by responding to the hypothetical question posed by the prosecutor (found on pages 45 to 47 of the October 8, 2014 trial transcript). See *People v Peterson*, 450 Mich 349, 376-377 (1995); *People v Thorpe*, 504 Mich 230, 256-259 (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.



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 20, 2021

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Clerk