

# Order

Michigan Supreme Court  
Lansing, Michigan

March 27, 2020

Bridget M. McCormack,  
Chief Justice

159912

David F. Viviano,  
Chief Justice Pro Tem

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

Stephen J. Markman  
Brian K. Zahra  
Richard H. Bernstein  
Elizabeth T. Clement  
Megan K. Cavanagh,  
Justices

v

SC: 159912  
COA: 340931  
Van Buren CC: 2016-020783-FC

JASON BRENT KEISTER,  
Defendant-Appellant.

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On order of the Court, the application for leave to appeal the May 16, 2019 judgment of the Court of Appeals is considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we VACATE that part of the Court of Appeals judgment holding that the admission of the expert testimony of Dr. Angela May was not plain error. Her testimony was plainly contrary to *People v Smith*, 425 Mich 98 (1986), *People v Peterson*, 450 Mich 349 (1995), and *People v Thorpe*, 504 Mich 230 (2019). We REMAND this case to the Court of Appeals for consideration of whether the prejudice prong of the plain-error test was satisfied, and, if so, whether reversal of the defendant's convictions is warranted. See *People v Carines*, 460 Mich 750, 763-764 (1999). 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.

We do not retain jurisdiction.



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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.

March 27, 2020

Clerk