



03/20/87 PEOPLE v. KARELSE

437 N.W.2d 255 (1987) | Cited 0 times | Michigan Supreme Court | March 20, 1987

The Court having granted leave to appeal, 425 Mich 851 (1986), and the cause having been briefed and orally argued, the defendant's conviction is reversed and the matter is remanded to the Ionia Circuit Court for a new trial. In light of the trial court's findings that the complainant recognized and had the ability to tell the truth, it was error to conclude that she was incompetent to testify and thus "unavailable as a witness" so as to justify the use at trial of her testimony at the preliminary examination. MRE 601,804(A).

