

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MICHAEL E. BELL,

Defendant-Appellant.

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UNPUBLISHED

February 5, 2002

No. 209269

Recorder's Court

LC No. 95-004885

ON REMAND

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MICHAEL E. BELL,

Defendant-Appellant.

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No. 209270

Recorder's Court

LC No. 97-001258

Before: Cavanagh, P.J., and Saad and Meter, JJ.

PER CURIAM.

This case is before us on remand from our Supreme Court. The Court asked us to detail the factors from *People v Poole*<sup>1</sup> which we used to admit evidence under 804(b)(3). In this opinion, we reaffirm our earlier holding and expand upon our reasons for admitting the evidence as requested by our Supreme Court.

In *Poole*, our Supreme Court ruled that Downer's statement to his cousin, Andre Berry, implicating Poole, was admissible under 804(b)(3) primarily because the circumstances demonstrated the reliability of Downer's statement. The Court noted specifically that Downer's statement was a narrative description of his own conduct. In that narrative, the hearsay declarant, Downer, primarily implicated himself and talked about his co-defendant only insofar as he described his own conduct. Here, Roberts, like Downer, gave an account of how he

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<sup>1</sup> 444 Mich 151; 506 NW2d 505 (1993).

firebombed a home, in which he also caused the death of his victims. Accordingly, Roberts confessed to murder. In describing his role in this murder, for which he was convicted and sentenced, Roberts simply described who hired him to perform the firebombing, thereby implicating defendant Bell. Also, in *Poole*, our Supreme Court noted that the narrative statement by Downer was made on his own initiative and not through questioning by his interlocutor. Here, although Roberts made the statement to a police officer, his statement was not made in response to questions by the police officer regarding defendant. Rather, the police officer simply allowed the hearsay declarant, Mr. Roberts, to tell his story in his own words. Again, as in *Poole*, the circumstances surrounding Mr. Roberts' statement appear inherently reliable and trustworthy and two different trial judges so ruled. While it is true that in *Poole*, the Court noted that the statement was not made to the authorities, and here Roberts made his statement to the authorities, we again note that the circumstances surrounding Mr. Roberts' statement established that the statement was completely voluntary, reliable and fully consistent with the purposes of 804(b)(3) as articulated by our Supreme Court in *Poole*. Accordingly, defendant has not shown that the trial court erred in admitting codefendant Roberts' statement.

Affirmed.

/s/ Henry William Saad

/s/ Patrick M. Meter

I concur only for the reason that we are bound by *People v Poole*, 444 Mich 151 (1993) to admit non-self inculpatory statements under the circumstances presented in this case.

/s/ Mark J. Cavanagh