

# Court of Appeals, State of Michigan

## ORDER

People of MI v Frederick James Mardlin

Docket No. 279699

LC No. 07-000240-FH

Brian K. Zahra  
Presiding Judge

Peter D. O'Connell

Kirsten Frank Kelly  
Judges

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The Court, on its own motion, REMANDS this case to the trial court for an evidentiary hearing pursuant to *People v Ginther*, 390 Mich 436; 212 NW2d 922 (1973), to determine if trial counsel rendered ineffective assistance by failing to renew the motion for appointment of an expert in electrical engineering after counsel learned that the assistance of an electrical engineer was required in order to present an adequate defense at trial. It appears that the conclusions reached by Larry Stalter, defendant's electrical engineering expert, would not have been cumulative of those reached by defense expert Robert Trenkle, and would have directly contradicted the prosecution's theory that defendant deliberately set the fire that damaged his home.

On remand, the trial court shall make findings of fact and conclusions of law and shall enter an order appropriate to its decision within 70 days of the Clerk's certification of this order. Also, as it appears that the defendant has been released from custody in this matter, on remand the trial court and the parties are therefore free to enter into any agreements that will facilitate resolution of this case.

Jurisdiction retained.

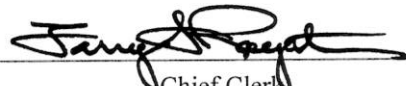
Zahra, P.J. did not participate.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

FEB 14 2011

Date

  
Chief Clerk