

# Order

Michigan Supreme Court  
Lansing, Michigan

March 31, 2017

Stephen J. Markman,  
Chief Justice

151824 & (25)

Robert P. Young, Jr.  
Brian K. Zahra  
Bridget M. McCormack  
David F. Viviano  
Richard H. Bernstein  
Joan L. Larsen,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 151824  
COA: 325174  
Wayne CC: 09-018124-FC

CONRAD ROBERT SCHULTZ,  
Defendant-Appellant.

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On order of the Court, the motion to remand and the application for leave to appeal the May 4, 2015 order of the Court of Appeals are considered. The motion to remand is GRANTED in part. Pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we VACATE that part of the November 25, 2014 judgment of the Wayne Circuit Court addressing the defendant's claim of ineffective assistance of counsel. We REMAND this case to the Wayne Circuit Court for an evidentiary hearing pursuant to *People v Ginther*, 390 Mich 436 (1973), to determine whether the defendant was deprived of his right to the effective assistance of counsel based on the assertions made in the affidavit of Keeley Heath, the second chair at the defendant's trial, regarding the performance of the defendant's lead counsel. In all other respects, leave to appeal is DENIED, because the defendant has failed to meet the burden of establishing entitlement to relief under MCR 6.508(D).

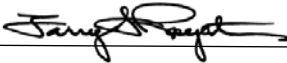
We do not retain jurisdiction.



a0328

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 31, 2017

  
Clerk