

Order

Michigan Supreme Court
Lansing, Michigan

November 4, 2016

Robert P. Young, Jr.,
Chief Justice

153222

Stephen J. Markman
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: 153222
COA: 319227
Oakland CC: 2013-244734-FH

GHASSAN SALIM SARDY,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the December 29, 2015 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 Part II of the Court of Appeals opinion and we REMAND this case to that court for reconsideration of: (1) whether the complainant was unavailable for Confrontation Clause purposes, see *Crawford v Washington*, 541 US 36, 59 n 9; 124 S Ct 1354; 158 L Ed 2d 177 (2004), and *United States v Owens*, 484 US 554, 559-560; 108 S Ct 838; 98 L Ed 2d 951 (1988); and (2) whether the defendant's confrontation rights were violated at trial by the trial court's limitation on cross-examination of the complainant, compare *Owens*, *supra*, with *Delaware v Van Arsdall*, 475 US 673, 679; 106 S Ct 1431; 89 L Ed 2d 674 (1986). 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.



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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.

November 4, 2016


Clerk