

Order

Michigan Supreme Court
Lansing, Michigan

June 21, 2017

Stephen J. Markman,
Chief Justice

153290

Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Joan L. Larsen
Kurtis T. Wilder,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 153290
COA: 323316
Wayne CC: 13-009150-FC

THOMAS LEE WINGARD,
Defendant-Appellant.

By order of November 23, 2016, the prosecuting attorney was directed to answer the application for leave to appeal the January 14, 2016 judgment of the Court of Appeals. On order of the Court, the answer having been received, the application for leave to appeal is again considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we VACATE that part of the Court of Appeals judgment addressing the defendant's claims under *Miranda v Arizona*, 384 US 436 (1966), and we REMAND this case to the Wayne Circuit Court. The circuit court shall, in accordance with Administrative Order 2003-03, determine whether the defendant is indigent and, if so, appoint counsel to represent the defendant at an evidentiary hearing pursuant to *People v Ginther*, 390 Mich 436 (1973), at which the circuit court shall determine whether trial counsel was ineffective for failing to move to suppress the defendant's confession under *Miranda v Arizona*, 384 US 436 (1966), and *Missouri v Seibert*, 542 US 600 (2004). 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.

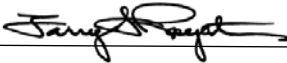
We do not retain jurisdiction.



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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.

June 21, 2017


Clerk