

Order

Michigan Supreme Court
Lansing, Michigan

December 7, 2016

Robert P. Young, Jr.,
Chief Justice

153697

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: 153697
COA: 324963
Van Buren CC: 14-019392-FC

JOSE L. GARCIA-MANDUJANO,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the March 15, 2016 judgment of the Court of Appeals is considered. We DIRECT the Van Buren County Prosecuting Attorney to file a supplemental response to the application for leave to appeal within 28 days after the date of this order. The prosecutor shall specifically address: (1) whether the defendant was denied effective assistance of counsel where his trial attorney failed to impeach the testimony of the physician's assistant, that she used an adult speculum on the complainant, with the witness's report, which contained no reference to the speculum; and (2) whether the defendant was prejudiced by trial counsel's failure to use the physician assistant's report when cross-examining the witness.

The application for leave to appeal remains pending.



s1130

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.

December 7, 2016


Clerk