

Order

Michigan Supreme Court
Lansing, Michigan

September 22, 2017

Stephen J. Markman,
Chief Justice

153697

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

JOSE L. GARCIA-MANDUJANO,
Defendant-Appellant.

By order of December 7, 2016, the prosecuting attorney was directed to answer the application for leave to appeal the March 15, 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. We direct the Clerk to schedule oral argument on whether to grant the application or take other action. MCR 7.305(H)(1).

The appellant shall file a supplemental brief within 42 days of the date of this order addressing whether the defendant was denied the effective assistance of trial counsel where: (1) counsel failed to interview the physician's assistant who examined the complainant prior to trial; and (2) counsel failed to impeach the trial testimony of the physician's assistant, that she used an adult speculum to examine the 12-year-old complainant, where the witness made no mention of the speculum in her report documenting the complainant's examination. In addition to the brief, the appellant shall electronically file an appendix containing the items listed at MCR 7.312(D)(2). The appellee shall file a supplemental brief within 21 days of being served with the appellant's brief. The appellee shall also electronically file an appendix, or in the alternative, stipulate to the use of the appendix filed by the appellant. A reply, if any, must be filed by the appellant within 14 days of being served with the appellee's brief. The parties should not submit mere restatements of their application papers.



s0919

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.

September 22, 2017

Clerk