

Order

Michigan Supreme Court
Lansing, Michigan

November 17, 2016

Robert P. Young, Jr.,
Chief Justice

153848

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: 153848
COA: 324893
Ionia CC: 2013-015962-FC

STEVEN BRADLEY MACKENZIE,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the April 26, 2016 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 that part of the judgment of the Court of Appeals addressing the defendant's claim of ineffective assistance of trial counsel with regard to counsel's handling of the withdrawal of the defendant's nolo contendere plea, pursuant to MCR 6.310(B)(2). We REMAND this case to the Court of Appeals, which shall retain jurisdiction while remanding the case to the Ionia Circuit Court to conduct an evidentiary hearing pursuant to *People v Ginther*, 390 Mich 436 (1973). At the conclusion of the hearing, the circuit court shall then forward the record and its findings to the Court of Appeals, which shall address the issues presented by the defendant.

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.

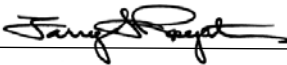
We do not retain jurisdiction.



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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.

November 17, 2016


Clerk