

Order

Michigan Supreme Court
Lansing, Michigan

January 3, 2018

Stephen J. Markman,
Chief Justice

154990 & (24)(28)

Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Kurtis T. Wilder
Elizabeth T. Clement,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 154990
COA: 333477
Huron CC: 16-105386-AR

MICHAEL WARD,
Defendant-Appellant.

By order of September 27, 2017, the prosecuting attorney was directed to answer the application for leave to appeal the November 17, 2016 order of the Court of Appeals. On order of the Court, the answer having been received, the application is again considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we VACATE the January 8, 2016 order of the Huron Circuit Court, which denied the defendant's application for leave to appeal, and we REMAND this case to that court for reconsideration by a different circuit court judge. The circuit judge committed an error when he reviewed on appeal, as a circuit judge, decisions that he rendered while acting as a district court judge. See *Williams v Pennsylvania*, __ US __; 136 S Ct 1899, 1905, 1906; 195 L Ed 2d 132 (2016); *Goldberg v Kelly*, 397 US 254, 271; 90 S Ct 1011; 25 L Ed 2d 287 (1970); and *In re Murchison*, 349 US 133; 75 S Ct 623; 99 L Ed 942 (1955). The motion for appointment of legal counsel and to invite amicus briefing and the motion to hold in abeyance are DENIED.

We do not retain jurisdiction.



s1220

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.

January 3, 2018

Clerk