

Order

Michigan Supreme Court
Lansing, Michigan

April 27, 2018

Stephen J. Markman,
Chief Justice

155361

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: 155361
COA: 329016
Mason CC: 15-002928-FC

BENJAMIN MICHAEL BENTZ,
Defendant-Appellant.

On April 11, 2018, the Court heard oral argument on the application for leave to appeal the December 29, 2016 judgment of the Court of Appeals. On order of the Court, the application is again considered. MCR 7.305(H)(1). In lieu of granting leave to appeal, we VACATE the judgment of the Court of Appeals and REMAND this case to the Mason Circuit Court for an evidentiary hearing pursuant to *People v Ginther*, 390 Mich 436 (1973), for a determination of whether the defendant was denied the effective assistance of trial counsel.

We do not retain jurisdiction.



d0424

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.

April 27, 2018

Clerk