

Order

Michigan Supreme Court
Lansing, Michigan

December 21, 2007

Clifford W. Taylor,
Chief Justice

133729(48)

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellant,

v

SC: 133729
COA: 265473
Oakland CC: 2002-186567-FH

THOMAS ERVIN HAWTHORNE,
Defendant-Appellee.

On order of the Court, the motion for reconsideration of this Court's October 19, 2007 order is considered, and it is DENIED, because it does not appear that the order was entered erroneously.

KELLY, J., dissents and states as follows:

I would grant the motion for reconsideration and deny the application for leave to appeal. The Court has already remanded this case to the trial court for a hearing on defendant's speedy-trial motion. At that time, the prosecution failed to explain its failure over a period of nine years to bring defendant to trial. I see no reason for a second remand.

CAVANAGH and MARKMAN, JJ., join the statement of KELLY, J.



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I, Corbin R. Davis, 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 21, 2007

Corbin R. Davis

Clerk