

Order

Michigan Supreme Court
Lansing, Michigan

September 25, 2009

Marilyn Kelly,
Chief Justice

137852

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 137852
COA: 277172
Saginaw CC: 05-025881-FC

JERMEY JERMAINE LLOYD,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the November 13, 2008 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals for reconsideration of: (1) whether the error in admitting the 911 call set forth in exhibit 20 was constitutional in nature; (2) if so, whether the Court of Appeals therefore erred in failing to apply the “harmless beyond a reasonable doubt” standard that is applied to preserved constitutional error, *Chapman v California*, 386 US 18 (1967); and (3) if the incorrect standard was applied, whether the prosecutor has established the error was harmless beyond a reasonable doubt. *People v Blackmon*, 477 Mich 1125 (2007).

We do not retain jurisdiction.



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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.

September 25, 2009

Corbin R. Davis

Clerk