

Order

Michigan Supreme Court
Lansing, Michigan

December 9, 2009

Marilyn Kelly,
Chief Justice

139348

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: 139348
COA: 278617
Wayne CC: 07-004190-01

ANTHONY RABY,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the March 31, 2009 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302 (H)(1), in lieu of granting leave to appeal, we VACATE in part the judgment of the Court of Appeals and REMAND this case to the Court of Appeals for reconsideration of the defendant's Confrontation Clause issue in light of *Melendez-Diaz v Massachusetts*, ___ US __; 129 S Ct 2527; 174 L Ed 2d 314 (2009).

We retain jurisdiction.



1202

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 9, 2009

Corbin R. Davis

Clerk