

Order

Michigan Supreme Court
Lansing, Michigan

December 9, 2009

Marilyn Kelly,
Chief Justice

139488

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: 139488
COA: 284249
Wayne CC: 06-002560-FC

THOMAS WASHINGTON,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the June 30, 2009 judgment of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court.

KELLY, C.J., and HATHAWAY, J., would hold this case in abeyance for *Berghuis v Smith*, cert gtd ___ US ___; ___ S Ct ___; 174 L Ed 2d 631 (September 30, 2009).



d1202

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