

# Order

Michigan Supreme Court  
Lansing, Michigan

December 30, 2009

Marilyn Kelly,  
Chief Justice

137865

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: 137865  
COA: 277919  
Macomb CC: 2007-000056-FC

JOSEPH HENDRIX,  
Defendant-Appellant.

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By order of March 23, 2009, the application for leave to appeal the October 16, 2008 judgment of the Court of Appeals was held in abeyance pending the decisions in *People v Borgne* (Docket No. 134967) and *People v Shafier* (Docket No. 135435). On order of the Court, the cases having been decided on July 1, 2009, 483 Mich 178 (2009) and 483 Mich 205 (2009), the application is again considered. Pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals for consideration of the issue raised by the defendant but not addressed by that court during its initial review of this case, specifically, whether the prosecutor presented sufficient evidence of the defendant's identity as the person who stole the van and pushed the victim from the van during the theft. In all other respects, leave to appeal is DENIED because we are not persuaded that the remaining questions presented should be reviewed by this Court.

We do not retain jurisdiction.



s1217

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 30, 2009

*Corbin R. Davis*

Clerk