

Order

Michigan Supreme Court
Lansing, Michigan

June 28, 2010

Marilyn Kelly,
Chief Justice

140921 & (63)
(64)(65)(66)

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/
Cross-Appellant,

v

SC: 140921
COA: 287859
Branch CC: 06-108611-FH

TIMOTHY ALLEN MILLER,
Defendant-Appellant/
Cross-Appellee.

On order of the Court, the motion for immediate consideration and the motion to withdraw the motion to withdraw the application are GRANTED. The application for leave to appeal the February 16, 2010 judgment of the Court of Appeals and the application for leave to appeal as cross-appellant are considered. The application for leave to appeal is DENIED, because we are not persuaded that the question presented should be reviewed by this Court. It appearing to this Court that the case of *People v Smith* (Docket No. 140371) is pending on appeal before this Court and that the decision in that case may resolve an issue raised in the present application for leave to appeal as cross-appellant, we ORDER that the application for leave to appeal as cross-appellant be held in ABEYANCE pending the decision in that case.



d0621

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.

June 28, 2010

Corbin R. Davis

Clerk