

Court of Appeals, State of Michigan

ORDER

People v James Allen Tomas

Docket No. 315138

LC No. 12-062281-FC

William B. Murphy, C.J.
Presiding Judge

David H. Sawyer

Douglas B. Shapiro
Judges

The Court orders that the motion for immediate consideration is GRANTED.

Pursuant to MCR 7.205(D)(2), in lieu of granting the application for leave to appeal, we PEREMPTORILY REVERSE the trial court's decision to instruct the jury on attempted voluntary manslaughter because such an instruction is not supported by a rational view of the evidence, even under defendant's version of the facts. *People v Gillis*, 474 Mich 105; 712 NW2d 419 (2006); *People v Cornell*, 466 Mich 335; 646 NW2d 127 (2002). This matter is REMANDED to the trial court for the completion of trial. This order has immediate effect. MCR 7.215(F)(2). The Court does not retain jurisdiction.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

MAR 15 2013

Date


Chief Clerk