

Order

Michigan Supreme Court
Lansing, Michigan

November 9, 2005

128115

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

WILLIAM DONNIE CALLOWAY,
Defendant-Appellant.

Clifford W. Taylor,
Chief Justice

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

SC: 128115
COA: 256096
Wayne CC: 89-014697

On order of the Court, the application for leave to appeal the January 3, 2005 order of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REMAND this case to the Wayne Circuit Court with directions to consider and decide defendant's motion for testing of biological material pursuant to MCL 770.16, which was filed with defendant's motion for relief from judgment. While the Wayne Circuit Court ruled upon the latter motion, it failed to rule upon the motion for testing of biological material.

We do not retain jurisdiction.



s1102

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.

November 9, 2005

Corbin R. Davis

Clerk