

# Order

Michigan Supreme Court  
Lansing, Michigan

July 29, 2008

136327

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

RICHARD RANKIN ARMSTRONG,  
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: 136327  
COA: 272104  
Otsego CC: 05-003403-FH

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On order of the Court, the application for leave to appeal the December 18, 2007 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we VACATE in part the judgment of the Court of Appeals and we REMAND this case to the Otsego Circuit Court for a hearing under *People v Ginther*, 390 Mich 436 (1973).

In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining question presented should be reviewed by this Court.

We do not retain jurisdiction.



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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.

July 29, 2008

*Corbin R. Davis*

Clerk