

Order

Michigan Supreme Court
Lansing, Michigan

September 23, 2009

Marilyn Kelly,
Chief Justice

135021

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-Appellant,

v

SC: 135021
COA: 268264
Kent CC: 04-009942-FC

RUDOLPH JEROME HORTON,
Defendant-Appellee.

By order of December 20, 2007, we granted leave to appeal the August 28, 2007 judgment of the Court of Appeals, and by order of March 26, 2008, the application for leave to appeal was held in abeyance pending the decision in *Melendez-Diaz v Massachusetts*, cert gtd __ US __; 129 S Ct 2527; 174 L Ed 2d 314 (2008). On order of the Court, the case having been decided on June 25, 2009, __ US __; 129 S Ct 2527; 174 L Ed 2d 314 (2009), we VACATE our December 20, 2007 order granting leave to appeal. The application is DENIED, because we are no longer persuaded that the questions presented should be reviewed by this Court.



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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.

September 23, 2009

Corbin R. Davis

Clerk