

# Order

Michigan Supreme Court  
Lansing, Michigan

November 7, 2012

Robert P. Young, Jr.,  
Chief Justice

140147(79)

Michael F. Cavanagh  
Marilyn Kelly  
Stephen J. Markman  
Diane M. Hathaway  
Mary Beth Kelly  
Brian K. Zahra,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 140147  
COA: 274148  
St. Clair CC: 03-000881-FH

JAMES EUGENE GRISSOM,  
Defendant-Appellant.

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On July 31, 2012, the Court issued an opinion reversing the judgment of the Court of Appeals and remanding this case to the St. Clair Circuit Court for application of *People v Cress*, 468 Mich 678 (2003), while directing the circuit court to submit its determination to this Court within 60 days. *People v Grissom*, 492 Mich 296 (2012). On order of the Court, the circuit court's opinion and order granting the defendant's motion for a new trial having been received, we AFFIRM the September 25, 2012 order of the St. Clair Circuit Court and we REMAND this case to that court for further proceedings.

We do not retain jurisdiction.

YOUNG, C.J., concurs in the result because the circuit court did not abuse its discretion in granting the defendant's motion for a new trial, but continues to adhere to the analysis set forth in JUSTICE ZAHRA's opinion in this case, *People v Grissom*, 492 Mich 342 (2012).

ZAHRA, J., joins the statement of YOUNG, C.J.



s1031

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 7, 2012

*Corbin R. Davis*

Clerk