

Order

Michigan Supreme Court
Lansing, Michigan

May 1, 2013

146381 & (92)

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

MARK ANTHONY PORTER,
Defendant-Appellant.

SC: 146381
COA: 298474
Washtenaw CC: 09-000365-FC

Robert P. Young, Jr.,
Chief Justice

Michael F. Cavanagh
Stephen J. Markman
Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack
David F. Viviano,
Justices

On order of the Court, the motion to file pro per supplement is GRANTED. The application for leave to appeal the October 23, 2012 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals for consideration of the issue raised by the defendant but not addressed by that court during its initial review of this case: whether the defendant was denied effective assistance of counsel because his trial counsel failed to object to the circuit court's unjustified shackling of the defendant during trial. See *Deck v Missouri*, 544 US 622, 629; 125 S Ct 2007; 161 L Ed 2d 953 (2005). In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining 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.

May 1, 2013

Corbin R. Davis

Clerk