

Order

Michigan Supreme Court
Lansing, Michigan

June 3, 2015

Robert P. Young, Jr.,
Chief Justice

151093

Stephen J. Markman
Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellant,

v

SC: 151093
COA: 312804
Wayne CC: 12-005217-FH

LARRY MANCIEL,
Defendant-Appellee.

On order of the Court, the application for leave to appeal the December 30, 2014 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we VACATE the judgment of the Court of Appeals and we REMAND this case to the Court of Appeals. On remand, while retaining jurisdiction, the Court of Appeals shall remand the case to the Wayne Circuit Court for clarification of whether the trial court's ruling that the defendant was entitled to a new trial was based on the trial court's determination that the defense witnesses were credible or whether the trial court granted a new trial solely because it felt constrained to do so by this Court's orders in unrelated cases. If the trial court granted a new trial based on the credibility of the defense witnesses, the Court of Appeals shall affirm the trial court's grant of a new trial. If the trial court's decision was based solely on its belief that it was constrained by this Court's orders in unrelated cases, the Court of Appeals shall vacate the trial court's decision granting a new trial and shall review the defendant's previously unaddressed claims.

We do not retain jurisdiction.



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I, Larry S. Royster, 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.

June 3, 2015

Clerk