

Order

Michigan Supreme Court
Lansing, Michigan

March 30, 2007

132975

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellant,

v

TODD EMERSON PARSONS,
Defendant,

and

GABRIEL JOHN SEIBT,
Defendant-Appellee.

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: 132975
COA: 273560
Wayne CC: 06-100051-01
36th DC: D06-55281; D06-55282

The application for leave to appeal the October 24, 2006 order of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the question presented should be reviewed by this Court prior to the completion of the proceedings ordered by the Court of Appeals. On remand, the district court shall determine whether there is a potential conflict of interest sufficient to outweigh the defendant's right to the counsel of his choice. See *Wheat v United States*, 486 US 153; 108 S Ct 1692; 100 L Ed 2d 140 (1988); *United States v Gonzalez-Lopez*, __ US __; 126 S Ct 2557; 165 L Ed 2d 409 (2006). The party seeking disqualification bears the burden of proving how prejudice will result. *Kubiak v Hurr*, 143 Mich App 465 (1985). The stay of district and circuit court proceedings, ordered on March 6, 2007, is DISSOLVED.

WEAVER, J., concurs and states as follows:

I concur only in the result of the order to deny leave to appeal and dissolve the stay in the district court and circuit court proceedings, ordered on March 6, 2007, as I am not persuaded that the question presented should be reviewed before the completion of the proceedings ordered by the Court of Appeals.

Further, I note the reasons for Justice Corrigan's nonparticipation in the case were stated by her in her concurrence in a previous order in this case. *People v Parsons*, unpublished order of the Supreme Court, entered March 6, 2007 (Docket No. 132975).

CORRIGAN, J., not participating.



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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.

March 30, 2007

Corbin R. Davis

Clerk