

Order

Michigan Supreme Court
Lansing, Michigan

July 15, 2010

Marilyn Kelly,
Chief Justice

139934

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-Appellee,

v

SC: 139934
COA: 292470
Wayne CC: 02-006678-FH

STANLEY JEROME BROWN,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the September 24, 2009 order 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, as on leave granted, of whether: (1) the defendant received the effective assistance of counsel where trial counsel failed to specifically request and procure the National Counsel on Alcoholism and Drug Dependence staff activity logs before trial; (2) trial counsel was ineffective for failing to cross-examine the complainant regarding inconsistencies in her trial testimony, and between her trial testimony, preliminary examination testimony, and what she claimed in the initial police report; (3) counsel appointed to represent the defendant at the evidentiary hearing was ineffective for failing to point out these inconsistencies to the trial court; and (4) newly discovered evidence produced in the civil suit filed on behalf of the complainant, including all the documentary evidence and deposition testimony that resulted from that suit (including, but not necessarily limited to, the staff activity logs), requires a new trial. In all other respects, leave to appeal is DENIED, because the defendant has failed to meet the burden of establishing entitlement to relief under MCR 6.508(D).

We do not retain jurisdiction.



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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.

July 15, 2010

Corbin R. Davis

Clerk