

# Order

Michigan Supreme Court  
Lansing, Michigan

October 19, 2011

142627 & (79)

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

JOSEPH LASHAWN VAUGHN,  
Defendant-Appellant.

SC: 142627  
COA: 292385  
Wayne CC: 02-011197-FC

Robert P. Young, Jr.,  
Chief Justice

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

On order of the Court, the motion for miscellaneous relief is GRANTED. The application for leave to appeal the December 28, 2010 judgment of the Court of Appeals is considered, and it is GRANTED, limited to the issues: (1) whether the defendant was denied his right to a public trial pursuant to US Const, Am VI, and Const 1963, art 1, § 20, where the Wayne Circuit Court excluded persons other than jurors from the courtroom during the jury voir dire, see *Presley v Georgia*, 558 US \_\_\_; 130 S Ct 721; 175 L Ed 2d 675 (2010); (2) whether the defendant, by failing to object, forfeited or waived any error resulting from the exclusion of the public from the courtroom during the jury voir dire, and, if so, whether trial counsel rendered ineffective assistance in failing to object; (3) whether, if some structural errors can be forfeited, the denial of the right to a public trial is among those forfeitable errors; and (4) whether the defendant is entitled to a new trial as a consequence of the trial court's exclusion of the public during the jury voir dire.

The Criminal Defense Attorneys of Michigan and the Prosecuting Attorneys Association of Michigan are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.



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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.

October 19, 2011

*Corbin R. Davis*

Clerk