

Order

Michigan Supreme Court
Lansing, Michigan

December 7, 2011

Robert P. Young, Jr.,
Chief Justice

143386

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

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 143386
COA: 290336
Oakland CC: 2005-203484-FH

JACOB TRAKHTENBERG,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the May 19, 2011 judgment of the Court of Appeals is considered, and it is GRANTED. The parties shall address: (1) whether the “attorney judgment rule,” as applied in a related case involving a claim of legal malpractice made by the defendant against his trial counsel in this criminal case, can be applied under a collateral estoppel theory to bar substantive review of evidence adduced at a hearing ordered by this Court to determine whether the defendant was denied his constitutional right to effective assistance of counsel and, if not, (2) whether, in light of the record developed on remand, the defendant is entitled to a new trial on the ground that he was denied his constitutional right to effective assistance of counsel, and (3) whether the defendant is entitled to a new trial on the basis of newly discovered evidence.

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.

December 7, 2011

Corbin R. Davis

Clerk