

Order

Michigan Supreme Court
Lansing, Michigan

March 26, 2012

Robert P. Young, Jr.,
Chief Justice

144480

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-Appellant,

v

SC: 144480
COA: 298072
Oakland CC: 2009-008934-AR

LAURINO JAMES SCAFONE,
Defendant-Appellee.

On order of the Court, the application for leave to appeal the December 1, 2011 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 for reconsideration in light of the newly discovered October 3, 2008 transcript of the defendant's waiver of his right to a jury trial. If the court determines that the defendant validly waived his right to a jury trial, then it should address the defendant's claim of ineffective assistance of counsel.

We do not retain jurisdiction.



d0319

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 26, 2012

Corbin R. Davis

Clerk