

Order

Michigan Supreme Court
Lansing, Michigan

October 11, 2017

Stephen J. Markman,
Chief Justice

156569 & (23)(24)

Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Joan L. Larsen
Kurtis T. Wilder,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellant,

v

SC: 156569
COA: 339279
Wayne CC: 15-008834-FH

ANTOINE TEARSO HEARN,
Defendant-Appellee.

On order of the Court, the motion for immediate consideration is GRANTED. The application for leave to appeal the September 14, 2017 order of the Court of Appeals is considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we VACATE the May 25, 2017 order of the Wayne Circuit Court granting a new trial. The court failed to articulate how the defendant was prejudiced by trial counsel's errors. See *People v Trakhtenberg*, 493 Mich 38, 55-56 (2012). We REMAND this case to the Wayne Circuit Court for further articulation of how the defendant was prejudiced by counsel's errors or to explain why a showing of prejudice was unnecessary. The motion for stay is DENIED as moot.

We do not retain jurisdiction.

VIVIANO, J., did not participate due to a familial relationship with the presiding circuit court judge in this case.



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I, Larry S. Royster, 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 11, 2017

Clerk