

Order

Michigan Supreme Court
Lansing, Michigan

March 5, 2019

Bridget M. McCormack,
Chief Justice

158679

David F. Viviano,
Chief Justice Pro Tem

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

Stephen J. Markman
Brian K. Zahra
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh,
Justices

v

SC: 158679
COA: 345108
Emmet CC: 17-004637-FH

JOSEPH JAMES COOPER,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the October 3, 2018 order of the Court of Appeals is considered, and pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals for consideration as on leave granted. The Court of Appeals shall consider whether a defendant's unpreserved claim regarding his or her lack of physical presence at sentencing is subject to review for plain error. See *People v Heller*, 316 Mich App 314 (2016). We direct the Court of Appeals' attention to the fact that it currently has before it the case of *People v Enciso*, Docket No. 157906, a case we remanded as on leave granted on December 19, 2018. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining question presented should be reviewed by this Court.



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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.

March 5, 2019

Clerk