

Order

Michigan Supreme Court
Lansing, Michigan

May 20, 2020

Bridget M. McCormack,
Chief Justice

160788

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: 160788
COA: 344364
Wayne CC: 17-001718-AR

JOSE NINO,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the November 21, 2019 judgment 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, which shall hold this case in abeyance pending its decision in *People v Haywood* (Docket No. 345243). After *Haywood* is decided, the Court of Appeals shall determine whether that opinion controls in this case and, if it does, reconsider this case in light of *Haywood*.

We do not retain jurisdiction.



s0420

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.

May 20, 2020

Handwritten signature of Larry S. Royster in black ink.

Clerk