

Order

Michigan Supreme Court
Lansing, Michigan

December 22, 2021

Bridget M. McCormack,
Chief Justice

162982

Brian K. Zahra
David F. Viviano
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh
Elizabeth M. Welch,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 162982
COA: 350268
Muskegon CC: 18-006239-FH

THOMAS ADAM HULBERT,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the March 18, 2021 judgment of the Court of Appeals is considered. Pursuant to MCR 7.305(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 Muskegon Circuit Court for an evidentiary hearing regarding whether: (1) the trial court properly considered the defendant's request to remove the defendant's shackles at trial; (2) the physical restraints were visible to any jurors; and (3) the defendant's trial counsel rendered constitutionally ineffective assistance by failing to object to the admission of the entire body camera video, failing to make an effective challenge to a juror who had previously experienced domestic violence, and failing to make a closing argument.

We do not retain jurisdiction.



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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.

December 22, 2021

Clerk