

Order

Michigan Supreme Court
Lansing, Michigan

November 28, 2023

Elizabeth T. Clement,
Chief Justice

164059

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

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 164059
COA: 353569
Ionia CC: 2018-017635-FH

CHAD CARL FISCHER,
Defendant-Appellant.

By order of May 3, 2022, the application for leave to appeal the December 16, 2021 judgment of the Court of Appeals was held in abeyance pending the decisions in *People v Johnson* (Docket No. 163073), *People v Posey* (Docket No. 162373), and *People v Stewart* (Docket No. 162497). On order of the Court, leave to appeal having been denied in *Johnson* on July 7, 2023, 511 Mich 1047 (2023), *Posey* having been decided on July 31, 2023, 512 Mich ___ (2023), and *Stewart* having been decided on July 31, 2023, 512 Mich ___ (2023), the application is again considered. Pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we VACATE the judgment of the Court of Appeals to the extent that it is inconsistent with our decision in *Posey* and REMAND this case to that court for reconsideration in light of *Posey*. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court.

We do not retain jurisdiction.



s1120

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.

November 28, 2023

Clerk