

Order

Michigan Supreme Court
Lansing, Michigan

June 23, 2009

Marilyn Kelly,
Chief Justice

136017

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 136017
COA: 269250
Washtenaw CC: 05-001221-FH

MICHAEL WILLIAM MUNGO,
Defendant-Appellant.

_____/

By order of May 27, 2008, the application for leave to appeal the January 17, 2008 judgment of the Court of Appeals was held in abeyance pending the decision of the United States Supreme Court in *Arizona v Gant* (Docket No. 07-542). On order of the Court, the case having been decided on April 21, 2009, *Arizona v Gant*, 556 US ____; 129 S Ct 1710; 173 L Ed 2d 485 (2009), the application is again considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we VACATE the judgment of the Court of Appeals and REMAND this case to that court for reconsideration in light of the decision in *Arizona v Gant*.

We further note that a similar issue is presented in *People v Hunter*, unpublished opinion per curiam of the Court of Appeals, issued on April 3, 2008 (Docket No. 272873), which we have peremptorily vacated and remanded to the Court of Appeals for reconsideration in light of *Gant* by order dated June 23, 2009 (Docket No. 136546).

We do not retain jurisdiction.



s0615

I, Corbin R. Davis, 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.

June 23, 2009

Corbin R. Davis

Clerk