

Order

Michigan Supreme Court
Lansing, Michigan

March 9, 2011

140636 & (74)

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

DENNIS LEE TOMASIK,
Defendant-Appellant.

SC: 140636
COA: 279161
Kent CC: 06-003485-FC

Robert P. Young, Jr.,
Chief Justice

Michael F. Cavanagh
Marilyn Kelly
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

On order of the Court, the motion for miscellaneous relief is GRANTED. The application for leave to appeal the January 26, 2010 judgment of the Court of Appeals is 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 the Kent Circuit Court for further proceedings pursuant to this Court's decision in *People v Stanaway*, 446 Mich 643 (1994). On remand, the trial court shall disclose to the defendant the March 26, 2003 report authored by Timothy Zwart of Pine Rest Christian Mental Health Services and the March 1, 2003 form authored by Denise Joseph-Enders. After disclosing these documents to the defendant, the trial court shall permit the defendant to argue that a new trial should be granted.

We do not retain jurisdiction.



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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.

March 9, 2011

Corbin R. Davis

Clerk