

# Order

Michigan Supreme Court  
Lansing, Michigan

April 19, 2024

Elizabeth T. Clement,  
Chief Justice

166605

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: 166605  
COA: 361906  
Wayne CC: 20-003056-FC

UDONE DON THIENGTHAM,  
Defendant-Appellant.

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On order of the Court, the application for leave to appeal the November 30, 2023 judgment of the Court of Appeals is considered. Pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we VACATE that part of the judgment of the Court of Appeals addressing the defendant's claim of ineffective assistance of trial counsel, and REMAND this case to the Wayne Circuit Court for an evidentiary hearing pursuant to *People v Ginther*, 390 Mich 436 (1973), regarding the defendant's claim that trial counsel rendered constitutionally ineffective assistance by failing to contest the jury instructions. 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.

VIVIANO, J., would deny leave to appeal.



s0416

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.

April 19, 2024

Clerk