

Order

Michigan Supreme Court
Lansing, Michigan

December 5, 2007

Clifford W. Taylor,
Chief Justice

135048

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 135048
COA: 277870
Bay CC: 06-010480-FY

TROY L. DAVIS,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the July 13, 2007 order of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals for consideration as on leave granted. On remand, the Court of Appeals may, at its option, remand to the trial court for further proceedings, e.g., for factual determinations concerning the reasonable and customary hourly fees paid to experts of the type sought by the defendant, the hourly fees paid to the proposed defense expert by the prosecution in prior cases, and whether the fee cap set in this case effectively precludes the defendant from access to an expert witness. We further ORDER that the trial not occur until the completion of this appeal.

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.

December 5, 2007

Corbin R. Davis

Clerk