



04/08/92 PEOPLE STATE MICHIGAN v. RASHIDA ZAWAADI

483 N.W.2d 855 (1992) | Cited 0 times | Michigan Supreme Court | April 8, 1992

Order

On order of the Court, the delayed application for leave to appeal is considered, and, pursuant to MCR 7.302(F) (1), in lieu of granting leave to appeal, we REMAND this case to the Recorder's Court for the City of Detroit for an evidentiary hearing. The court shall take testimony, hear argument, and make findings on the issues of (1) whether defendant was deprived of a substantial defense at his bench trial when defense counsel failed to argue that the defendant could be convicted of voluntary manslaughter and felonious assault, rather than first-degree murder and assault with intent to commit murder; and (2) whether the trial court should have considered sua sponte voluntary manslaughter and felonious assault as lesser included offenses. If the trial court finds prejudicial error on either issue, it shall so indicate in its findings. The findings of the trial court on remand shall be filed with the Clerk of this Court within 60 days of the date of this order.

We retain jurisdiction.

