

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

No. 11-2161

JESSE PEOPLES,
Petitioner - Appellant,**FILED**
Oct 30, 2013
DEBORAH S. HUNT, Clerk

v.

BLAINE LAFLER, Warden,
Respondent - Appellee.

Before: COLE and DONALD, Circuit Judges; MARBLEY, District Judge.

JUDGMENTOn Appeal from the United States District Court
for the Eastern District of Michigan at Detroit.

THIS CAUSE was heard on the record from the district court and was argued by counsel.

IN CONSIDERATION WHEREOF, it is ORDERED that district court's judgment with regard to the ineffective assistance claim is **PARTIALLY REVERSED** and the case is **REMANDED** with instructions to conditionally **GRANT** a writ of habeas corpus, giving the State of Michigan ninety days to retry Peoples or release him from custody. IT IS FURTHER ORDERED that the judgment with regard to the insufficiency of the evidence and the ex parte jury instruction claims are **AFFIRMED**. The prosecutorial misconduct claim is rendered **MOOT** by our remand.

ENTERED BY ORDER OF THE COURT

Deborah S. Hunt, Clerk