

Court of Appeals, State of Michigan

ORDER

People of MI v Lorinda Irene Swain

Docket No. 304228

LC No. 2001-004547-FC

David H. Sawyer
Presiding Judge

William B. Murphy, C.J.

Joel P. Hoekstra
Judges

The motion for immediate consideration is GRANTED.

The Court orders that the application for leave to appeal is GRANTED. In addition to the issues raised in the application, the parties shall brief whether the proffered amendment, which is designed to add a claimed violation of *Brady v Maryland*, 373 US 83; 83 S Ct 1194; 10 L Ed 2d 215 (1963), is futile where, accepting the averments of Dennis Book as true, defendant knew or should have known the essential facts permitting her to take advantage of any exculpatory information possessed by Book at the time of trial. MCR 7.205(D)(4). The time for taking further steps in this appeal runs from the date of the Clerk's certification of this order. MCR 7.205(D)(3).

The Court further orders, on its own motion, that the instant appeal is EXPEDITED. No extensions of time will be allowed for filing of the briefs except by order of the Court. The Clerk of this Court is directed to place this case on the next available case call after the expiration of the time to file appellee's brief.

Murphy, C.J., would deny the application for leave to appeal.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

JUN 17 2011

Date


Chief Clerk