

# Court of Appeals, State of Michigan

## ORDER

People of MI v Dennis Lee Tomasik

Docket No. 279161

LC No. 06-003485-FC

Kirsten Frank Kelly  
Presiding Judge

Joel P. Hoekstra

William C. Whitbeck  
Judges

---

In light of our Supreme Court's order of November 6, 2013, and *People v Musser*, 494 Mich 337 (2013), *People v Kowalski*, 492 Mich 106 (2012), and *People v Grissom*, 491 Mich 296 (2012), we DIRECT the parties to file supplemental briefing addressing the following four issues: (1) whether the Kent Circuit Court erred by admitting the entire recording of the defendant's interrogation; (2) whether the circuit court erred in admitting Thomas Cottrell's expert testimony regarding Child Sexually Abusive Accommodation Syndrome under current MRE 702, and if so, whether the error was harmless; (3) whether the circuit court erred in denying the defendant's motion for a new trial based on the newly disclosed impeachment evidence of the March 26, 2003 report authored by Timothy Zwart and the March 1, 2003 form completed by Denise Joseph-Enders; and (4) whether the defendant's trial counsel was ineffective by failing to object to the admission of the defendant's entire interrogation, by failing to object to Thomas Cottrell's testimony, and by failing to procure the expert testimony of Jeffrey Kieliszewski to challenge the testimony of Thomas Cottrell. Appellant shall file his supplemental brief within 28 days of the Clerk's certification of this order. Appellee shall file a responsive brief within 14 days of the proof of service of the above supplemental brief.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

DEC 13 2013

Date

  
Chief Clerk