

Order

Michigan Supreme Court
Lansing, Michigan

March 22, 2017

Stephen J. Markman,
Chief Justice

152567

Robert P. Young, Jr.
Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Joan L. Larsen,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 152567
COA: 317527
Oakland CC: 2012-241894-FH

DANIEL HORACEK,
Defendant-Appellant.

By order of May 6, 2016, the prosecuting attorney was directed to answer the application for leave to appeal the September 15, 2015 judgment of the Court of Appeals. On order of the Court, the answer having been received, the application for leave to appeal is again considered. We direct the Clerk to schedule oral argument on whether to grant the application or take other action. MCR 7.305(H)(1). At oral argument, the parties shall address: (1) whether exigent circumstances authorized the officers' warrantless entry into the defendant's motel room, *In re Forfeiture of \$176,598*, 443 Mich 261, 271 (1993) ("The police must further establish the existence of an actual emergency on the basis of specific and objective facts indicating that immediate action is necessary to (1) prevent the imminent destruction of evidence, (2) protect the police officers or others, or (3) prevent the escape of a suspect.") (citation omitted); see also *People v Oliver*, 417 Mich 366, 384 (1983); and (2) if a constitutional violation did occur, whether the defendant is entitled to withdraw his plea, compare MCR 6.301(C)(2) with *People v Reid*, 420 Mich 326, 337 (1984). The parties may file supplemental briefs within 42 days of the date of this order, but they should not submit mere restatements of their application papers.



s0315

I, Larry S. Royster, 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.

March 22, 2017


Clerk