

# Order

Michigan Supreme Court  
Lansing, Michigan

May 25, 2018

Stephen J. Markman,  
Chief Justice

152798

Brian K. Zahra  
Bridget M. McCormack  
David F. Viviano  
Richard H. Bernstein  
Kurtis T. Wilder  
Elizabeth T. Clement,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 152798  
COA: 322151  
Oakland CC: 2012-242851-FH

ANTHONY GESTAIL TUCKER,  
Defendant-Appellant.

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By order of September 27, 2016, the application for leave to appeal the October 15, 2015 judgment of the Court of Appeals was held in abeyance pending the decision in *People v Temelkoski* (Docket No. 150643). On order of the Court, the case having been decided on January 24, 2018, 501 Mich \_\_\_ (2018), the application is again considered, and it is GRANTED. The parties shall include among the issues to be briefed: (1) whether the requirements of the Sex Offenders Registration Act (SORA), MCL 28.721 *et seq.*, amount to “punishment,” see *People v Earl*, 495 Mich 33 (2014), see also *Does # 1-5 v Snyder*, 834 F3d 696, 703-706 (CA 6, 2016), cert den sub nom *Snyder v John Does # 1-5*, 138 S Ct 55 (Oct 2, 2017); (2) whether requiring the defendant to register under SORA is an ex post facto punishment, where the registry has been made public, and other requirements enacted, only after the defendant committed the listed offense that required registration under MCL 28.723(1)(e), US Const, art I, § 10; Const 1963, art 1, § 10; and (3) whether it is cruel and/or unusual punishment to require the defendant to register under SORA, US Const, Am VIII; Const 1963, art 1, § 16.

We direct the Clerk to schedule the oral argument in this case for the same future session of the Court when it will hear oral argument in *People v Snyder* (Docket No. 153696).

The Criminal Defense Attorneys of Michigan, the Prosecuting Attorneys Association of Michigan, and the American Civil Liberties Union of Michigan are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.



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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.

May 25, 2018

Handwritten signature of Larry S. Royster in black ink.

Clerk