

# Order

Michigan Supreme Court  
Lansing, Michigan

November 4, 2016

Robert P. Young, Jr.,  
Chief Justice

153651

Stephen J. Markman  
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: 153651  
COA: 324388  
Washtenaw CC: 13-001442-FH

MELVIN EARL HOWARD,  
Defendant-Appellant.

---

On order of the Court, the application for leave to appeal the March 8, 2016 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on whether to grant the application or take other action. MCR 7.305(H)(1). The parties shall file supplemental briefs within 42 days of the date of this order addressing: (1) whether manifest necessity justified the grant of a mistrial at the defendant's first trial; (2) whether defense counsel implicitly consented to the grant of a mistrial; (3) whether defense counsel was ineffective for not moving to dismiss on double jeopardy grounds prior to retrial; and (4) whether the statement in *People v Johnson*, 396 Mich 424, 432 (1976), that "[m]ere silence or failure to object to the jury's discharge is not such consent," is an accurate statement of law. Compare *Johnson* with *People v Lett*, 466 Mich 206, 223 n 15 (2002), and cases cited therein. The parties should not submit mere restatements of their application papers.



a1101

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.

November 4, 2016

  
Clerk