

Order

Michigan Supreme Court
Lansing, Michigan

April 27, 2017

Stephen J. Markman,
Chief Justice

154445

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: 154445
COA: 323741
Wayne CC: 14-001748-FC

JOHNNY RAY KENNEDY,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the July 26, 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). We further ORDER the Wayne Circuit Court, in accordance with Administrative Order 2003-03, to determine whether the defendant is indigent and, if so, to appoint the State Appellate Defender Office to represent the defendant in this Court.

The parties shall file supplemental briefs within 42 days of the date of the order appointing counsel addressing whether the trial court abused its discretion under MCL 775.15 and/or violated the defendant's constitutional right to present a defense when it denied his request to appoint a DNA expert. See *People v Tanner*, 469 Mich 437 (2003); *Ake v Oklahoma*, 470 US 68, 74 (1985) ("We hold that when a defendant has made a preliminary showing that his sanity at the time of the offense is likely to be a significant factor at trial, the Constitution requires that a State provide access to a psychiatrist's assistance on this issue if the defendant cannot otherwise afford one."); *Moore v State*, 390 Md 343, 364 (2005) ("The majority of courts have concluded that *Ake* extends beyond psychiatric experts.").



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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.

April 27, 2017


Clerk