

Order

Michigan Supreme Court
Lansing, Michigan

February 3, 2017

Stephen J. Markman,
Chief Justice

154494

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-Appellant,

v

SC: 154494
COA: 325883
Mackinac CC: 2012-003474-FH

GARY MICHAEL TRAVER,
Defendant-Appellee.

On order of the Court, the application for leave to appeal the August 2, 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 the trial court erred by providing written instructions to the jury on the elements of the charged offenses but not reading those instructions aloud to the jury; (2) whether the trial court's instructions on the charge of possession of a firearm during the commission of a felony, MCL 750.227b, fairly presented the issues to be tried and adequately protected the defendant's rights; (3) whether the defendant waived any instructional errors when his attorney expressed satisfaction with the instructions as given, see *People v Kowalski*, 489 Mich 488 (2011); (4) what standard of review this Court should employ in reviewing the Court of Appeals decision to order an evidentiary hearing on the ineffective assistance of counsel claim; and (5) whether the Court of Appeals erred under the applicable standard when it ordered an evidentiary hearing for defendant to establish the factual predicate for his claim that his trial counsel was ineffective for failing to properly advise him of the potential consequences of withdrawing his guilty plea. See MCR 7.211(C)(1)(a)(ii) and *People v Ginther*, 390 Mich 436, 445 (1973). The parties should not submit mere restatements of their application papers.



t0131

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.

February 3, 2017

Clerk