

Order

Michigan Supreme Court
Lansing, Michigan

July 7, 2017

Stephen J. Markman,
Chief Justice

154779 & (78)

Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Joan L. Larsen
Kurtis T. Wilder,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 154779
COA: 325730
Wayne CC: 14-008324-FC

CARL RENE BRUNER II,
Defendant-Appellant.

On order of the Court, the motion to amend the application is GRANTED. The application for leave to appeal the October 11, 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 attorney Michael J. McCarthy, if feasible, to represent the defendant in this Court. If this appointment is not feasible, the trial court shall, within the same time frame, appoint other counsel 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: (1) whether the admission of Westley Webb's preliminary-examination testimony at the defendant's joint trial with Michael Lawson violated the defendant's constitutional right to confrontation, despite the trial court's redaction of that testimony and limiting instruction to the jury, see *Gray v Maryland*, 523 US 185 (1998); *Bruton v United States*, 391 US 123 (1968); and (2) if so, whether the error in admitting the testimony was harmless, see *People v Carines*, 460 Mich 750, 774 (1999). The parties should not submit mere restatements of their application papers.



s0705

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.

July 7, 2017

Clerk