

Order

Michigan Supreme Court
Lansing, Michigan

June 1, 2018

Stephen J. Markman,
Chief Justice

155198

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: 155198
COA: 327063
Wayne CC: 14-007222-FH

HAROLD LAMONT WALKER,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the December 1, 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 appellant shall file a supplemental brief within 42 days of the date of this order addressing: (1) whether the defendant is entitled to a new trial based on the trial judge's comments to the jury in lieu of the standard "deadlocked jury" instruction, M Crim JI 3.12; (2) whether Offense Variable 19 (OV 19), MCL 777.49, was improperly assigned 10 points for interference with the administration of justice, see *People v Hardy*, 494 Mich 430, 438 (2013), and *People v Adams*, 430 Mich 679, 689 (1988); and (3) if OV 19 was misscored, whether the defendant is entitled to resentencing before a different judge based on the judge's verbal exchange with the defendant at sentencing. In addition to the brief, the appellant shall electronically file an appendix conforming to MCR 7.312(D)(2). In the brief, citations to the record must provide the appendix page numbers as required by MCR 7.312(B)(1). The appellee shall file a supplemental brief within 21 days of being served with the appellant's brief. The appellee shall also electronically file an appendix, or in the alternative, stipulate to the use of the appendix filed by the appellant. A reply, if any, must be filed by the appellant within 14 days of being served with the appellee's brief. The parties should not submit mere restatements of their application papers.

The Prosecuting Attorneys Association of Michigan and the Criminal Defense Attorneys 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.



a0529

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.

June 1, 2018

Clerk