

Order

Michigan Supreme Court
Lansing, Michigan

June 7, 2017

Stephen J. Markman,
Chief Justice

155245

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: 155245
COA: 326311
Wayne CC: 14-009512-FC

ELISAH KYLE THOMAS,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the December 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 the single photographic identification method used in this case was so impermissibly suggestive that it gave rise to a substantial likelihood of misidentification; and (2) if so, whether the complainant's in-court identification had an independent basis so that it was not subject to suppression. The parties should not submit mere restatements of their application papers.

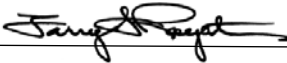
The Prosecuting Attorneys Association of Michigan and the Criminal Defense Attorneys of Michigan are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.



s0531

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 7, 2017


Clerk