

# Order

Michigan Supreme Court  
Lansing, Michigan

November 1, 2017

Stephen J. Markman,  
Chief Justice

155361

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: 155361  
COA: 329016  
Mason CC: 15-002928-FC

BENJAMIN MICHAEL BENTZ,  
Defendant-Appellant.

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On order of the Court, the application for leave to appeal the December 29, 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 the defendant's claims of ineffective assistance of counsel, including whether defense counsel's failure to object to the testimony of Dr. N. Debra Simms fell below an objective standard of reasonableness, and whether there is a reasonable probability that the outcome of the defendant's trial would have been different. In addition to the brief, the appellant shall electronically file an appendix containing the items listed at MCR 7.312(D)(2). 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.

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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.

November 1, 2017

Clerk