

# Order

Michigan Supreme Court  
Lansing, Michigan

June 1, 2018

Stephen J. Markman,  
Chief Justice

156161 & (58)(63)

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-Appellant/  
Cross-Appellee,

v

SC: 156161  
COA: 331594  
Wayne CC: 12-007733-FH

WILBERT JOSEPH McKEEVER,  
Defendant-Appellee/  
Cross-Appellant.

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On order of the Court, the application for leave to appeal the May 25, 2017 judgment of the Court of Appeals and the application for leave to appeal as cross-appellant are considered. We direct the Clerk to schedule oral argument on whether to grant the applications or take other action. MCR 7.305(H)(1).

The parties shall file their supplemental briefs within 42 days of the date of this order addressing: (1) whether the defendant is entitled to a new trial based on either trial court error or ineffective assistance of counsel, where the defense witness that was not produced at trial also did not appear at the post-conviction evidentiary hearing; and (2) whether the witness's failure to appear at the hearing is attributable to the defense under the circumstances of this case. In addition to its supplemental 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). Each party may file a response brief within 14 days of being served with the other party's supplemental brief. Additionally, at that time, the appellee/cross-appellant shall electronically file an appendix, or in the alternative, stipulate to the use of the appendix filed by the appellant. 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.

The motion for bond pending appeal is DENIED.



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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.

June 1, 2018

A handwritten signature in black ink, appearing to read "Larry S. Royster", written over a horizontal line.

Clerk