

Order

Michigan Supreme Court
Lansing, Michigan

April 26, 2018

Stephen J. Markman,
Chief Justice

156430

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: 156430
COA: 331602
Wayne CC: 13-000575-FC

KELLI MARIE WORTH-McBRIDE,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the July 13, 2017 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 a parent/defendant, either as a principal or as an aider and abettor, can be convicted of first-degree child abuse or second-degree murder when a child suffers serious physical harm or death as a result of the parent/defendant leaving the child in the care of the other parent with knowledge that the other parent previously injured the child and that serious physical harm or death would be caused by leaving the child with the other parent; and (2) if so, whether the evidence is sufficient in this case to establish the defendant's knowledge that serious physical harm or death would be caused by leaving the child with the other parent. 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.

We direct the Clerk to schedule the oral argument in this case for the same future session of the Court when it will hear oral argument in *People v Lee* (Docket No. 157176).

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.



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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.

April 26, 2018

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

Clerk