

Order

Michigan Supreme Court
Lansing, Michigan

November 16, 2018

Stephen J. Markman,
Chief Justice

157116

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: 157116
COA: 334098
Berrien CC: 2015-000156-FH

SHAE LYNN MULLINS,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the November 30, 2017 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on the application. MCR 7.305(H)(1). The appellant shall file a supplemental brief within 42 days of the date of this order, addressing: (1) whether MCL 722.633(5), which criminalizes making a false report of felony child abuse, applies to non-mandatory reporters; (2) whether the phrase “intentionally *makes* a false report of child abuse or neglect” (emphasis added) is broad enough to encompass a circumstance in which a child is intentionally enlisted for the purpose of falsely accusing another of abuse or neglect, see MCL 750.411a; *United States v Giles*, 300 US 41, 48-49; 57 S Ct 340; 81 L Ed 493 (1937); and (3) whether MCL 722.633(5) must be read in light of the common-law doctrine of the innocent agent. See Const 1963, art 3, § 7. 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.



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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 16, 2018

Handwritten signature of Larry S. Royster in black ink.

Clerk