

# Order

Michigan Supreme Court  
Lansing, Michigan

January 16, 2019

Bridget M. McCormack,  
Chief Justice

157936

David F. Viviano,  
Chief Justice Pro Tem

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 157936  
COA: 328759  
Kent CC: 15-000869-FC

JAMAL DEVONTA BENNETT,  
Defendant-Appellant.

Stephen J. Markman  
Brian K. Zahra  
Richard H. Bernstein  
Elizabeth T. Clement  
Megan K. Cavanagh,  
Justices

On order of the Court, the application for leave to appeal the April 17, 2018 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 whether the Court of Appeals erred in concluding: (1) that the preserved error in admitting the rap videos was not outcome determinative; (2) that the unpreserved error in admitting the gang-affiliation testimony was not plain error; and (3) that the erroneously admitted evidence, in conjunction with the prosecutor's argument in closing that this evidence showed the "mentality" of defendant and his friends and the "lifestyle" they lived, did not constitute impermissible character evidence under MRE 404(a) and *People v Bynum*, 496 Mich 610 (2014).

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.



a0109

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.

January 16, 2019

Clerk