

Order

Michigan Supreme Court
Lansing, Michigan

April 24, 2020

Bridget M. McCormack,
Chief Justice

David F. Viviano,
Chief Justice Pro Tem

159194

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

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 159194
COA: 338586
Eaton CC: 13-020404-FC

ERNESTO EVARISTO URIBE,
Defendant-Appellant.

By order of September 30, 2019, the prosecuting attorney was directed to answer the application for leave to appeal the January 3, 2019 judgment of the Court of Appeals. On order of the Court, the answer having been received, the application for leave to appeal is again 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 Dr. Guertin's testimony about the complainant's statements to him was admissible under the medical treatment exception to the hearsay rule, see *People v Garland*, 286 Mich App 1 (2009), and *People v Shaw*, 315 Mich App 668 (2016); (2) whether Dr. Guertin's testimony was contrary to this Court's decision in *People v Thorpe*, 504 Mich 230 (2019), and/or *People v Harbison*, 504 Mich 230 (2019); and (3) if error occurred, whether reversal of the defendant's convictions is warranted.

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 Criminal Defense Attorneys of Michigan and the Prosecuting Attorneys Association 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.



s0421

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 24, 2020

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

Clerk