

Order

Michigan Supreme Court
Lansing, Michigan

May 6, 2020

Bridget M. McCormack,
Chief Justice

160339

David F. Viviano,
Chief Justice Pro Tem

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

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

v

SC: 160339
COA: 327491
Wayne CC: 14-004600-FH

DARRELL WILDER, a/k/a DARRELL
JOHN WILDER, a/k/a DARRELL J. WILDER,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the August 13, 2019 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 harmless error test of *People v Lukity*, 460 Mich 484 (1999), should be refined or amended in all cases, see generally *People v Parsley*, 500 Mich 1033, 1033 (2017) (LARSEN, J., concurring), or where the question turns on the evaluation of conflicting testimony at trial. 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 issue 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.

May 6, 2020

Clerk