

Order

Michigan Supreme Court
Lansing, Michigan

October 29, 2010

Marilyn Kelly,
Chief Justice

141160

Michael F. Cavanagh
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway
Alton Thomas Davis,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellant,

v

SC: 141160
COA: 269250
Washtenaw CC: 05-001221-FH

MICHAEL WILLIAM MUNGO,
Defendant-Appellee.

On order of the Court, the application for leave to appeal the April 13, 2010 judgment of the Court of Appeals is considered, and it is GRANTED, limited to the issue whether, assuming that *Arizona v Gant*, 556 US ___; 129 S Ct 1710; 173 L Ed 2d 485 (2009), is applied retroactively, the good-faith exception to the exclusionary rule allows admission of evidence that was seized pursuant to a warrantless search that was valid under cases interpreting *New York v Belton*, 453 US 454; 101 S Ct 2860; 69 L Ed 2d 768 (1981), as a bright-line rule. See *Herring v United States*, ___ US ___; 129 S Ct 695; 172 L Ed 2d 496 (2009).

We further ORDER the Washtenaw Circuit Court, in accordance with Administrative Order 2003-03, to determine whether the defendant is indigent and, if so, to appoint the State Appellate Defender Office to represent the defendant in this Court.

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.

CAVANAGH, J. (*concurring*).

I concur with the Court's order granting leave to appeal and would also request the parties to brief the authority for the arresting officer's request to the passenger for a driver's license and identification.

KELLY, C.J., joins the statement of CAVANAGH, J.



s1026

I, Corbin R. Davis, 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.

October 29, 2010

Corbin R. Davis

Clerk