

# Order

Michigan Supreme Court  
Lansing, Michigan

July 5, 2013

Robert P. Young, Jr.,  
Chief Justice

146867 & (45)

Michael F. Cavanagh  
Stephen J. Markman  
Mary Beth Kelly  
Brian K. Zahra  
Bridget M. McCormack  
David F. Viviano,  
Justices

MATTHEW MAKOWSKI,  
Plaintiff-Appellant,

v

SC: 146867  
COA: 307402  
Ingham CC: 11-000579-CZ

GOVERNOR and SECRETARY OF STATE,  
Defendants-Appellees.

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On order of the Court, the motion for miscellaneous relief is GRANTED. The application for leave to appeal the December 27, 2012 judgment of the Court of Appeals is considered, and it is GRANTED. The parties shall include among the issues to be briefed: (1) what authority, if any, the courts of this State have to review actions taken by the Governor under the authority conferred by 1963 Const, Art V, § 14; (2) how the separation of powers doctrine and the principle of nonjusticiable political questions relate to that constitutional authority; (3) whether the commutation of the plaintiff's sentence was completed before the Governor took steps to revoke it and whether the Court has the authority to address this question; (4) whether the power to grant clemency under the cited constitutional provision also includes the power to rescind, revoke or otherwise overturn a decision to grant clemency; and (5) to the extent the courts have the authority to address the question, whether the Governor in this case exceeded the authority granted by the constitution by revoking the commutation of sentence given to the plaintiff after it was signed by the Governor, sealed by and filed with the Secretary of State, and delivered to the Michigan Department of Corrections.

MCCORMACK, J., not participating because of her prior involvement in this case.



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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.

July 5, 2013

  
Clerk