

Order

Michigan Supreme Court
Lansing, Michigan

April 3, 2015

Robert P. Young, Jr.,
Chief Justice

150119

Stephen J. Markman
Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 150119
COA: 317054
Ingham CC: 13-000161-FH

FATEEN ROHN MUHAMMAD,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the July 29, 2014 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on whether to grant the application or take other action. MCR 7.302(H)(1). The parties shall file supplemental briefs within 42 days of the date of this order addressing: (1) whether the defendant's acknowledgement that he received a felony complaint that contained a habitual offender notice filed in district court satisfies the requirement set forth in MCL 769.13 that the habitual offender notice be served "within 21 days after the defendant's arraignment on the information charging the underlying offense or, if arraignment is waived, within 21 days after the filing of the information charging the underlying offense;" and (2) if not, the proper application of the harmless error tests articulated in MCR 2.613 and MCL 769.26 to violations of the habitual offender notice requirements set forth in MCL 769.13, compare *People v Cobley*, 463 Mich 893 (2000), with *People v Johnson*, 495 Mich 919 (2013). The parties should not submit mere restatements of their application papers.



p0331

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 3, 2015

Clerk