

Court of Appeals, State of Michigan

ORDER

People of MI v Raymond Curtis Carp

Docket No. 307758

LC No. 06-001700-FC

Michael J. Talbot
Presiding Judge

E. Thomas Fitzgerald

William C. Whitbeck
Judges

The Court orders that the Motion for Reconsideration is GRANTED.

The Motion to File Supplemental Authority is GRANTED.

The Court further orders that the delayed application for leave to appeal is GRANTED. In addition to the issues raised in the motion for reconsideration, MCR 7.205(D)(4), the parties shall address the following questions:

I. Is the decision in *Miller v Alabama*, ___ US ___; 132 S Ct 2455; 183 L Ed 2d 407 (2012), retroactively applicable where a juvenile's conviction is final and no longer subject to direct review?

II. If a mandatory life sentence without parole for a juvenile is unconstitutional and, under MCL 750.316, life imprisonment is the only designated punishment for first-degree murder, is there authority that would allow a trial court to sentence a juvenile to a term of years for a first-degree murder conviction?

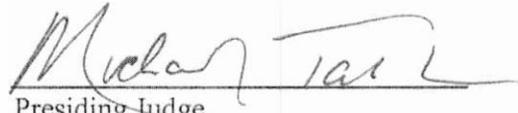
III. Are the requirements of *Miller v Alabama, supra*, satisfied if a juvenile convicted of first-degree murder is sentenced to life imprisonment with the possibility of parole, contrary to MCL 791.234(6)(a)?

IV. What process should be used for sentencing juveniles convicted of first-degree murder that would satisfy the requirements of *Miller v Alabama, supra*?

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. Briefs amicus curiae must be filed no later than 56 days from date of the Clerk's certification of this order.

The Court, on its own motion, orders expedited briefing. MCR 7.212(A)(3). Appellant's brief is due 35 days from the date of the Clerk's certification of this order. Appellee's brief is due 21 days after appellant's brief is served on appellee. No extensions of time will be allowed without order of the Court. The prosecutor is directed to file an appellee brief pursuant to MCR 6.509(D). Oral

argument will be scheduled after the time for filing briefs has passed, and the matter will be resubmitted to this panel for a decision pursuant to MCR 7.214.


Presiding Judge



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

AUG - 9 2012

Date



Chief Clerk