

# Order

Michigan Supreme Court  
Lansing, Michigan

January 24, 2018

Stephen J. Markman,  
Chief Justice

156648

Brian K. Zahra  
Bridget M. McCormack  
David F. Viviano  
Richard H. Bernstein  
Kurtis T. Wilder  
Elizabeth T. Clement,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellant,

v

SC: 156648  
COA: 336050  
Wayne CC: 04-004270-FC

GREGORY CARL WASHINGTON,  
Defendant-Appellee.

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On order of the Court, the application for leave to appeal the September 12, 2017 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 7.305(H)(1). We further ORDER the Wayne Circuit Court, in accordance with Administrative Order 2003-03, to determine whether the defendant is indigent and, if so, to appoint counsel to represent the defendant in this Court.

The appellant shall file a supplemental brief within 42 days of the date of this order addressing: (1) whether the trial court's action of resentencing the defendant while an application for leave to appeal was pending in this Court was a jurisdictional defect, and (2) if so, whether the defendant could properly raise the jurisdictional defect in a successive motion for relief from judgment. 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, or the date of the order appointing counsel, whichever is later. 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.



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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.

January 24, 2018

Clerk