

Order

Michigan Supreme Court
Lansing, Michigan

April 30, 2008

134967

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellant,

v

MICHAEL J. BORGNE,
Defendant-Appellee.

Clifford W. Taylor,
Chief Justice

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

SC: 134967
COA: 269572
Wayne CC: 05-000173-01

On order of the Court, the application for leave to appeal the August 9, 2007 judgment of the Court of Appeals is considered, and it is GRANTED. The parties shall address: (1) whether the defendant's constitutional rights under *Doyle v Ohio*, 426 US 610, 619; 96 S Ct 2240; 49 L Ed 2d 91 (1976), were violated, (2) whether the claim of error under *Doyle* was properly preserved at trial, (3) the resulting appropriate standard of review on appeal, and (4) whether any error was harmless under the applicable standard of review.

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 issues presented in this case may move the Court for permission to file briefs amicus curiae.



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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.

April 30, 2008

Corbin R. Davis

Clerk