

# Order

Michigan Supreme Court  
Lansing, Michigan

October 21, 2009

Marilyn Kelly,  
Chief Justice

139396

Michael F. Cavanagh  
Elizabeth A. Weaver  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman  
Diane M. Hathaway,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellant,

v

SC: 139396  
COA: 281408  
Wayne CC: 06-008543-01

ROBERTO MARCHELLO DUPREE,  
Defendant-Appellee.

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On order of the Court, the application for leave to appeal the May 28, 2009 judgment of the Court of Appeals is considered, and it is GRANTED. The parties shall include among the issues to be briefed whether any of the common law defenses of self-defense, necessity or duress are applicable to the crime of possessing or carrying a firearm while ineligible to do so as a result of a prior felony conviction (felon-in-possession) proscribed by MCL 750.224f, and, if so, whether the defendant has the burden of proof to establish the defense.

The Prosecuting Attorneys Association of Michigan and the Criminal Defense Attorneys of Michigan are invited 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.

October 21, 2009

*Corbin R. Davis*

Clerk