

# Order

Michigan Supreme Court  
Lansing, Michigan

June 5, 2013

Robert P. Young, Jr.,  
Chief Justice

146523-4

Michael F. Cavanagh  
Stephen J. Markman  
Mary Beth Kelly  
Brian K. Zahra  
Bridget M. McCormack  
David F. Viviano,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 146523-4  
COA: 309384, 310456  
Oakland CC: 2008-222726-FC

SCHUYLER DION CHENAULT,  
Defendant-Appellant.

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On order of the Court, the application for leave to appeal the November 27, 2012 judgment of the Court of Appeals is considered, and it is GRANTED. The parties shall include among the issues to be briefed: (1) whether the Court of Appeals' decision in *People v Lester*, 232 Mich App 262, 281 (1998), correctly articulates what a defendant must show to establish a *Brady* violation; (2) whether the Court of Appeals erred when it reversed the trial court's grant of a new trial, which was premised on the prosecution's violation of the rule from *Brady v Maryland*, 373 US 83; 83 S Ct 1194; 10 L Ed 2d 215 (1963); and (3) whether trial counsel rendered ineffective assistance of counsel under *Strickland v Washington*, 466 US 668; 104 S Ct 2052; 80 L Ed 2d 674 (1984), for failing to exercise reasonable diligence after learning of the existence of the videotaped interviews.

The Criminal Law Section of the State Bar of Michigan, 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, 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.

June 5, 2013

  
Clerk