

Order

Michigan Supreme Court
Lansing, Michigan

November 6, 2013

147428 & (128)

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

DAKOTAH WOLFGANG ELIASON,
Defendant-Appellant.

Robert P. Young, Jr.,
Chief Justice

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

SC: 147428
COA: 302353
Berrien CC: 2010-015309-FC

On order of the Court, the motion for miscellaneous relief is GRANTED. The application for leave to appeal the April 4, 2013 judgment of the Court of Appeals is considered, and it is GRANTED, limited to the issues: (1) whether the Court of Appeals correctly applied *Miller v Alabama*, 567 US ___; 132 S Ct 2455; 183 L Ed 2d 407 (2012), to Michigan's sentencing scheme for first-degree murder; (2) whether that sentencing scheme amounts to cruel or unusual punishment under Const 1963, art 1, § 16 as applied to defendants under the age of 18; and (3) what remedy is required for defendants whose sentences have been found invalid under *Miller* or Const 1963, art 1, § 16.

We invite the Wayne County Prosecuting Attorney to file a brief amicus curiae addressing the issue of what remedy is required for defendants under the age of 18 whose sentences of life without parole for murder have been found invalid under *Miller* or Const 1963, art 1, § 16.

We direct the Clerk to schedule the oral argument in this case for the same future session of this Court when it will hear oral argument in *People v Carp* (Docket No. 146478) and *People v Davis* (Docket No. 146819). The Court will issue a separate scheduling order specifying the parameters for oral argument, including time limits, allocation of time, and additional parties invited to participate in oral argument.



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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.

November 6, 2013

Clerk