

Order

Michigan Supreme Court
Lansing, Michigan

June 6, 2012

Robert P. Young, Jr.,
Chief Justice

144696

Michael F. Cavanagh
Marilyn Kelly
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellant,

v

SC: 144696
COA: 301906
Wayne CC: 10-006937-FC

RAYFIELD CLARY,
Defendant-Appellee.

On order of the Court, the application for leave to appeal the February 16, 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 prosecutor's impeachment of the defendant's testimony on the basis of the defendant's failure to testify at his earlier trial violated the defendant's Fifth Amendment right against self-incrimination; and (2) whether the prior consistent statements by the complainant were admissible under MRE 801(d)(1)(B).

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.

June 6, 2012

Corbin R. Davis

Clerk