

Order

Michigan Supreme Court
Lansing, Michigan

September 19, 2012

145116

PATRICK J. KENNEY,
Plaintiff-Appellant,

v

WARDEN RAYMOND BOOKER,
Defendant-Appellee.

Robert P. Young, Jr.,
Chief Justice

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

SC: 145116
COA: 304900
Wayne CC: 11-003828-AH

On order of the Court, the application for leave to appeal the April 3, 2012 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on whether to grant the application or take other action. MCR 7.302(H)(1). The parties shall submit supplemental briefs within 42 days of the date of this order addressing: (1) what standards should govern whether to grant habeas corpus relief; (2) whether a claim of insufficient evidence in the context of a parole hearing may provide a basis for habeas corpus relief; (3) whether evidence that a parolee “should have known” of the presence of an item is sufficient to establish possession of that item where possession of the item constitutes a violation of parole; and (4) what standard of review applies to factual decisions by the Parole Board. The parties should not submit mere restatements of their application papers.

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

September 19, 2012

Corbin R. Davis

Clerk