

Order

Michigan Supreme Court
Lansing, Michigan

November 6, 2013

Robert P. Young, Jr.,
Chief Justice

146819 & (15)

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: 146819
COA: 314080
Wayne CC: 94-002089-01-FC

CORTEZ ROLAND DAVIS,
Defendant-Appellant.

On order of the Court, the motion for leave to file a brief amicus curiae is GRANTED. The application for leave to appeal the January 16, 2013 order of the Court of Appeals is considered, and it is GRANTED, limited to the issues: (1) whether the prohibition against “cruel and unusual punishments” found in the Eighth Amendment to the United States Constitution, and/or the prohibition against “cruel or unusual punishment” found in Const 1963, art 1, § 16, categorically bar the imposition of a life without parole sentence on a defendant under the age of 18 convicted of first-degree murder for having aided and abetted the commission of a felony murder; and (2) if such a categorical bar exists, whether it applies retroactively, under federal or state law, to cases that have become final after the expiration of the period for direct review. See *Teague v Lane*, 489 US 288; 109 S Ct 1060; 103 L Ed 2d 334 (1989); *People v Maxson*, 482 Mich 385 (2008).

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 Eliason* (Docket No. 147428). The Court will issue a separate scheduling order specifying the parameters for oral argument, including time limits and allocation of time.



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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