

# Order

Michigan Supreme Court  
Lansing, Michigan

December 15, 2006

Clifford W. Taylor,  
Chief Justice

132284 & (53)

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellant,

v

SC: 132284  
COA: 267976  
Sanilac CC: 05-006016-FC

THOMAS JAMES EARLS,  
Defendant-Appellee.

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On order of the Court, the motion for immediate consideration is GRANTED. The application for leave to appeal the October 3, 2006 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 preemptory action. MCR 7.302(G)(1). At oral argument, the parties shall address whether the defendant has standing to challenge evidence seized in violation of MCL 767A.1 *et seq.* and, if so, whether the violation of that statutory provision authorizes exclusion of the evidence, in light of *People v Hawkins*, 468 Mich 488, 507 (2003), and *People v Anstey*, 476 Mich 436, 448 (2006). The parties may file supplemental briefs within 42 days of the date of this order, but they should avoid submitting a mere restatement of the arguments made in 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.

December 15, 2006

*Corbin R. Davis*

Clerk