

Order

Michigan Supreme Court
Lansing, Michigan

May 9, 2008

Clifford W. Taylor,
Chief Justice

135989

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: 135989
COA: 273488
Ottawa CC: 05-028876-FC

MICHAEL ALLEN MILLER,
Defendant-Appellee.

On order of the Court, the application for leave to appeal the January 17, 2008 judgment of the Court of Appeals is considered, and it is GRANTED, limited to the issues: (1) whether the Court of Appeals erred in reversing the defendant's conviction and remanding this case to the circuit court for a new trial pursuant to *People v DeHaven*, 321 Mich 327 (1948); (2) whether *DeHaven* was wrongly decided or has been superseded by MCL 600.1354(1); (3) whether a criminal defendant must establish actual prejudice pursuant to MCL 600.1354(1) where the challenged juror was excusable for cause; (4) how the "actual prejudice" standard for purposes of MCL 600.1354(1) should be defined; and (5) whether the juror's failure to disclose his status as a felon, which disqualified him from serving on the jury, constituted structural error pursuant to *Neder v United States*, 527 US 1; 119 S Ct 1827; 144 L Ed 2d 35 (1999).

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.

May 9, 2008

Corbin R. Davis

Clerk