

# Order

Michigan Supreme Court  
Lansing, Michigan

November 24, 2010

Marilyn Kelly,  
Chief Justice

141739

Michael F. Cavanagh  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman  
Diane M. Hathaway  
Alton Thomas Davis,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellant,

v

SC: 141739  
COA: 278411  
Kent CC: 06-006768-FC

SAMMIE RAY BAILEY, JR.,  
Defendant-Appellee.

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On order of the Court, the application for leave to appeal the July 20, 2010 judgment of the Court of Appeals is considered, and it is GRANTED. The parties shall address: (1) whether it is proper to instruct the jury that, if the prosecutor proves beyond a reasonable doubt that the defendant confronted the person that he killed, intending by his presence to provoke that person to use deadly force, then he forfeits his claim of self-defense, and (2) whether the reasonable doubt standard is sufficiently expressed when the court instructs the jury that, if there was a realistic or reasonable possibility that the defendant acted in self-defense, he is not guilty.

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.

November 24, 2010

*Corbin R. Davis*

Clerk