

Order

Michigan Supreme Court
Lansing, Michigan

June 7, 2019

Bridget M. McCormack,
Chief Justice

158486

David F. Viviano,
Chief Justice Pro Tem

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

Stephen J. Markman
Brian K. Zahra
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh,
Justices

v

SC: 158486
COA: 337686
Tuscola CC: 13-012652-FH;
16-013674-FH

JOHN DAVID VANDERPOOL,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the August 7, 2018 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on the application. MCR 7.305(H)(1).

The appellant shall file a supplemental brief within 42 days of the date of this order addressing: (1) whether the Tuscola Circuit Court had jurisdiction to extend the defendant's probationary term in September 2015; and (2) whether the extension of the probationary term without notice or a hearing violated the defendant's due process rights. Compare *People v Marks*, 340 Mich 495 (1954), with *Gagnon v Scarpelli*, 411 US 778 (1973). In addition to the brief, the appellant shall electronically file an appendix conforming to MCR 7.312(D)(2). In the brief, citations to the record must provide the appendix page numbers as required by MCR 7.312(B)(1). The appellee shall file a supplemental brief within 21 days of being served with the appellant's brief. The appellee shall also electronically file an appendix, or in the alternative, stipulate to the use of the appendix filed by the appellant. A reply, if any, must be filed by the appellant within 14 days of being served with the appellee's brief. The parties should not submit mere restatements of their application papers.

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.



s0604

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.

June 7, 2019

Clerk