

Order

Michigan Supreme Court
Lansing, Michigan

April 15, 2020

Bridget M. McCormack,
Chief Justice

159709 & (81)

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: 159709
COA: 340328
Wayne CC: 17-000304-FH

CHRISTOPHER LOUIS SINDONE,
Defendant-Appellant.

On order of the Court, the motion to file a pro per supplement is GRANTED. The application for leave to appeal the April 11, 2019 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 whether the defendant's convictions under MCL 750.73 and MCL 750.79(1)(d)(vi) violate double jeopardy. Specifically, the appellant shall address: (1) whether the Legislature expressed a clear intent to allow or disallow dual convictions for both crimes based on the same conduct, and (2) if not, whether the same-elements test requires vacating the lesser conviction. See *People v Miller*, 498 Mich 13, 19 (2015). 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.



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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.

April 15, 2020

Handwritten signature of Larry S. Royster in black ink.

Clerk