

STATE OF MICHIGAN
IN THE MICHIGAN SUPREME COURT

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

Supreme Court No. 159948
Court of Appeals No. 338431
Lower Court No. 05-000220-FH

vs.

TERRY LEE CEASOR,

Defendant-Appellant.

**MOTION TO FILE SUPPLEMENTAL AUTHORITY IN SUPPORT OF DEFENDANT-
APPELLANT'S APPLICATION FOR LEAVE TO APPEAL**

1. Defendant-Appellant Terry Lee Ceasor filed his Application for Leave to Appeal in this Court on July 17, 2019. That Application remains pending.
2. On September 25, 2019, this Court issued an Order in *People v Ulp*, No. 159080 reversing the Court of Appeals in part.
3. Because his case shares an issue with *Ulp*, Mr. Ceasor moves to file the attached Supplemental Authority discussing the relevance of *Ulp* to his Application.

Respectfully Submitted,

MICHIGAN INNOCENCE CLINIC

/s/David A. Moran (P45353)
Attorney for Defendant-Appellant

/s/Imran J. Syed (P75415)
Attorney for Defendant-Appellant

/s/Megan Richardson (PL1090)
Attorney for Defendant-Appellant

/s/Colby Orton
Student-Attorney for Defendant-Appellant

/s/Sam White
Student-Attorney for Defendant-Appellant

Dated: October 2, 2019

**SUPPLEMENTAL AUTHORITY IN SUPPORT OF DEFENDANT-APPELLANT'S
APPLICATION FOR LEAVE TO APPEAL**

Defendant-Appellant Terry Ceasor cites the Order issued by this Court on September 25, 2019, in *People v Ulp*, No. 159080, in support of his pending Application for Leave to Appeal.

In affirming the denial of a new trial for Mr. Ceasor, the Court of Appeals reasoned that had Mr. Ceasor's trial counsel properly requested funds for an expert witness, the trial court might have denied that motion or possibly granted only \$500, which would not have been enough to pay for the necessary expert. *See* Application at 31-32.

In *Ulp*, the defendant, who was indigent, requested expert assistance for a *Ginther* hearing, which was denied by the trial court and affirmed by the Court of Appeals. *People v Ulp*, Michigan Supreme Court Order, issued September 25, 2019 (No. 159080) at 1. This Court held that the trial court erred in denying that request because an indigent defendant has a right under the Due Process Clause to the tools of an adequate defense. *Id.* at 1-2.

This Court's holding in *Ulp* applies equally to Mr. Ceasor's case. Mr. Ceasor was an indigent defendant, entitled to the basic tools of an adequate defense, including expert assistance. Had Mr. Ceasor's trial counsel made a motion for funding, a ruling by the trial court refusing to provide adequate funding would have been reversible error, just as it was in *Ulp*.

Respectfully Submitted,

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