

Order

Michigan Supreme Court
Lansing, Michigan

September 25, 2024

Elizabeth T. Clement,
Chief Justice

166923 & (90)

Brian K. Zahra
David F. Viviano
Richard H. Bernstein
Megan K. Cavanagh
Elizabeth M. Welch
Kyra H. Bolden,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellant,

v

SC: 166923
COA: 355925
Emmet CC: 20-005054-FC

MICHAEL GEORGIE CARSON,
Defendant-Appellee.

On order of the Court, the application for leave to appeal the February 15, 2024 judgment of the Court of Appeals is considered, and it is GRANTED. The parties shall address whether the Court of Appeals erred by: (1) holding that the warrant to search the defendant's cell phone violated the Fourth Amendment's particularity requirement, see *People v Hughes*, 506 Mich 512, 538 (2020); (2) failing to sever any valid portions of the search warrant from any invalid portions, see *People v Keller*, 479 Mich 467, 479 (2007); (3) holding that the good-faith exception to the exclusionary rule did not apply, see *People v Goldston*, 470 Mich 523, 531 (2004), discussing *United States v Leon*, 468 US 897, 923 (1984); and (4) finding that trial counsel deprived the defendant of his right to the effective assistance of counsel by failing to move to suppress the evidence obtained from his cell phone on these grounds, see *Strickland v Washington*, 466 US 668, 687-688 (1984). The motion for bond pending appeal is DENIED, without prejudice to the defendant filing a motion in the Emmet Circuit Court that addresses MCL 770.8, MCR 7.209(B)(2), and the factors listed in *People v Giacalone*, 16 Mich App 352 (1969). The time allowed for oral argument shall be 20 minutes for each side. MCR 7.314(B)(1).

Amici who appeared at the application stage are invited to file supplemental briefs amicus curiae. The Criminal Defense Attorneys of Michigan is invited to file a brief 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.

September 25, 2024

Clerk