

# Order

Michigan Supreme Court  
Lansing, Michigan

May 31, 2024

Elizabeth T. Clement,  
Chief Justice

165678

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-Appellee,

v

SC: 165678  
COA: 360094  
Manistee CC: 20-005067-FC

CHRISTOPHER LEHMAN TADGERSON,  
Defendant-Appellant.

By order of September 8, 2023, the plaintiff-appellee was directed to answer the application for leave to appeal the March 23, 2023 judgment of the Court of Appeals. On order of the Court, the answer having been received, the application for leave to appeal is again considered. We direct the Clerk to schedule oral argument on the application. MCR 7.305(H)(1). The parties shall file supplemental briefs in accordance with MCR 7.312(E), addressing: (1) whether the offense of being a prisoner in possession of a controlled substance (“PPCS”), MCL 800.281(4), is a strict liability offense or should be construed as having a scienter requirement or *mens rea* element, see MCL 8.9; *People v Ramsdell*, 230 Mich App 386 (1998); *People v Tombs*, 472 Mich 446 (2005); and *People v Magnant*, 508 Mich 151 (2021); and (2) if PPCS is not a strict liability offense, then what form of scienter requirement or *mens rea* element applies.

The Prosecuting Attorneys Association of Michigan, the Criminal Defense Attorneys of Michigan, and the Criminal Law Section of the State Bar 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.

May 31, 2024

Clerk