

# Order

Michigan Supreme Court  
Lansing, Michigan

May 31, 2024

Elizabeth T. Clement,  
Chief Justice

165008

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: 165008  
COA: 358780  
Macomb CC: 2017-002252-FC

ROBERT JAMES KARDASZ,  
Defendant-Appellant.

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By order of September 13, 2023, this case was held in abeyance for *People v Lymon* (Docket No. 164685). On the Court's own motion, we VACATE our abeyance order of September 13, 2023. The application for leave to appeal the September 22, 2022 judgment of the Court of Appeals 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), except that the appellant's brief and appendices, if any, are to be filed within 90 days of the date of this order. The parties shall address whether: (1) requiring the defendant to register as a sex offender under the Sex Offenders Registration Act (SORA), MCL 28.721 *et seq.*, as amended by 2020 PA 295, effective March 24, 2021 (the 2021 SORA), for the rest of his life constitutes cruel or unusual punishment under Const 1963, art 1, § 16 or cruel and unusual punishment under US Const, Am VIII; (2) lifetime electronic monitoring, when imposed without an individualized assessment of the defendant's recidivism risk and without providing a mechanism for removing the monitoring requirement, constitutes cruel and unusual punishment under US Const, Am VIII or cruel or unusual punishment under Const 1963, art 1, § 16, see generally *People v Betts*, 507 Mich 527 (2021), but see *People v Hallak*, 310 Mich App 555, 577 (2015), rev'd in part on other grounds 499 Mich 879 (2016); (3) lifetime electronic monitoring constitutes cruel and/or unusual punishment as applied in this case; and (4) lifetime electronic monitoring constitutes an unreasonable search in violation of US Const, Am IV or Const 1963, art 1, § 11, see *State v Grady*, 372 NC 509 (2019), and *Park v State*, 305 Ga 348 (2019), but see *Hallak*, 310 Mich App at 581.

We further direct the Clerk to schedule the oral argument in this case for the same future session of the Court when it will hear oral argument in *People v Martin* (Docket No. 166339).

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.

May 31, 2024

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line.

Clerk