Order

Michigan Supreme Court
Lansing, Michigan

May 22, 2026

Megan K. Cavanagh,
Chief Justice

Brian K. Zahra
Richard H. Bernstein
Elizabeth M. Welch
Kyra H. Bolden
Kimberly A. Thomas
Noah P. Hood,
Justices

SC: 169612 & (37)
COA: 374186
Muskegon CC: 2024-001254-FH

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

KEISHAUN ANTHONY MACK,
Defendant-Appellant.

On order of the Court, the motion for stay is GRANTED, and the trial court proceedings in the Muskegon Circuit Court are stayed pending the completion of this appeal. The application for leave to appeal the December 8, 2025 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on the application. MCR 7.305(I)(1). The parties shall file supplemental briefs in accordance with MCR 7.312(E), addressing whether the Court of Appeals erred in affirming the trial court's ruling that the defendant lacked standing to challenge the officers' search of the residence, i.e., whether he lacked a protected privacy right under the Fourth Amendment to the United States Constitution or Const 1963, art 1, § 11. See, e.g., *Minnesota v Carter*, 525 US 83, 87-91 (1998); *Minnesota v Olson*, 495 US 91, 96-97 (1990); *People v Parker*, 230 Mich App 337, 340 (1998).

We further ORDER the Muskegon Circuit Court, in accordance with Administrative Order 2003-03, to determine whether the defendant is indigent and, if so, to appoint attorney Terry J. Nolan, if feasible, to represent the defendant in this Court. If this appointment is not feasible, the trial court shall, within the same time frame, appoint other counsel to represent the defendant in this Court. The defendant's brief is due within 42 days after the date of the order appointing counsel or of the ruling that the defendant is not entitled to appointed counsel.

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 issue presented in this case who are not exempt from

the motion requirement under MCR 7.312(H) may move the Court for permission to file briefs amicus curiae.

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I, Elizabeth Kingston-Miller, 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 22, 2026

Clerk