Order

Michigan Supreme Court
Lansing, Michigan

April 3, 2026

169064

In re NDD, Minor.

Megan K. Cavanagh,
Chief Justice

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

PEOPLE OF THE STATE OF MICHIGAN,
Petitioner-Appellee,

v

NDD,
Respondent-Appellant.

SC: 169064
COA: 370602
Livingston CC: 19-015969-DL

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On order of the Court, the application for leave to appeal the August 15, 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: (1) whether the Livingston Circuit Court Family Division reversibly erred in finding, by a preponderance of the evidence, that the best interests of the juvenile and the public would best be served by granting the prosecution's motion to waive the court's jurisdiction over the respondent, see MCL 712A.4(4); MCR 3.950(D)(2); (2) whether, in deciding whether to waive its jurisdiction over the respondent, the family court was required to compare the relative suitability of programs and facilities available in the juvenile and adult correctional systems, see *People v Dunbar*, 423 Mich 380, 388 (1985); and (3) whether the discretionary waiver statute, MCL 712A.4, violates *Apprendi v New Jersey*, 530 US 466, 490 (2000), because it authorizes an increase in the respondent's maximum punishment without a jury determination, beyond a reasonable doubt, of the factors considered in the waiver decision.

The Prosecuting Attorneys Association of Michigan, the Criminal Defense Attorneys of Michigan, the Children's Law Section of the State Bar of Michigan, and the University of Detroit Mercy Law Juvenile Appellate Practice Clinic are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issues 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.

April 3, 2026

Clerk