Court of Appeals, State of Michigan

ORDER

PEOPLE OF MI V GARY CHRISTOPHER CARLSON

Docket No. 374225

LC No. 2023-026111-FC

Brock A. Swartzle
Presiding Judge

Matthew S. Ackerman

Christopher M. Trebilcock
Judges

On the Court's own motion, the parties are directed to file supplemental briefing, no more than 15 pages each, with this Court within 14 days of the date of this order. The supplemental briefing shall address:

1. Whether, following *People v Carson*, ___ Mich ___, ___; ___ NW3d ___ (2025) (Docket No. 166923); slip op at 10-24, the June 22, 2023 search warrant for defendant's Samsung Galaxy phone violated the Fourth Amendment's particularity requirement.

2. If the search warrant violated the Fourth Amendment's particularity requirement, are there any applicable exceptions to the exclusionary rule? See, e.g., *People v Carson*, 350 Mich App 352, 379-383; 31 NW3d 431 (2024) (discussing the application of the good-faith exception to a warrant that violated the particularity requirement), rev'd in part on other grounds by *Carson*, ___ Mich at ___; slip op at 31.

3. If there is an applicable exception to the exclusionary rule, did the prosecutor forfeit application of such exception by failing to raise it on appeal? And if so, should this Court excuse that failure?

Furthermore, the prosecutor is directed to appear at oral argument to answer questions that may be asked by this Court.

Brock A. Swartzle
Presiding Judge

A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

September 15, 2026
Date

Jerome W. Zimmer Jr.
Chief Clerk