

# Order

Michigan Supreme Court  
Lansing, Michigan

December 9, 2022

Elizabeth T. Clement,  
Chief Justice

164307 & (65)

Brian K. Zahra  
Bridget M. McCormack  
David F. Viviano  
Richard H. Bernstein  
Megan K. Cavanagh  
Elizabeth M. Welch,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 164307  
COA: 353548  
Calhoun CC: 2019-002838-FH

MARQUIS DEANGELO NELSON,  
Defendant-Appellant.

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By order of July 28, 2022, the prosecuting attorney was directed to answer the application for leave to appeal the February 24, 2022 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, and 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 Court of Appeals correctly held that only Officer Mikael Ziegler exceeded the scope of permissible drug profile testimony, and that Sergeant Kurt Roth did not; and (2) whether the Court of Appeals correctly applied the prejudice prongs of the analyses for plain error, see *People v Carines*, 460 Mich 750, 763-764 (1999), and ineffective assistance of counsel, see *Strickland v Washington*, 466 US 668, 694-695 (1984).

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.

The motion to file in pro per supplement is GRANTED.



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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.

December 9, 2022

Clerk