

# Order

Michigan Supreme Court  
Lansing, Michigan

December 22, 2021

Bridget M. McCormack,  
Chief Justice

163224

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

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 163224  
COA: 344834  
Genesee CC: 16-039869-FC

KEVIN LIONEL THOMPSON, JR.,  
Defendant-Appellant.

On order of the Court, the application for leave to appeal the May 6, 2021 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on the application. MCR 7.305(H)(1).

The appellant shall file a supplemental brief addressing: (1) whether trial counsel's performance was objectively unreasonable with respect to the appellant's polygraph examination and/or post-polygraph questioning, including the failure to establish the terms of the polygraph agreement in writing, to enforce the terms of the alleged agreement, and to testify regarding the terms of the agreement; and (2) whether the appellant was prejudiced or if he voluntarily waived his right to counsel with respect to the polygraph examination and/or post-polygraph questioning. The appellant's brief shall be filed by February 28, 2022, with no extensions except upon a showing of good cause. In the brief, citations to the record must provide the appendix page numbers as required by MCR 7.312(B)(1). The appellee shall file a supplemental brief within 21 days of being served with the appellant's brief. A reply, if any, must be filed by the appellant within 14 days of being served with the appellee's brief. The parties should not submit mere restatements of their application papers.


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.



t1221

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 22, 2021

  
Clerk