

Order

Michigan Supreme Court
Lansing, Michigan

December 29, 2025

Megan K. Cavanagh,
Chief Justice

169039

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,
Plaintiff-Appellee,

v

SC: 169039
COA: 371542
Wayne CC: 24-001354-FH

MICHAEL JOSEPH KVASNICKA,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the July 21, 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) and shall include among the issues to be briefed: (1) whether the plain language of MCL 750.543m(1)(a) includes a scienter requirement that is consistent with *Counterman v Colorado*, 600 US 66, 69 (2023) (holding that, under the First Amendment, threatening speech may not be punished unless the prosecution proves “that the defendant consciously disregarded a substantial risk that his communications would be viewed as threatening violence”); (2) whether the constitutional-doubt canon permits a court to deviate from ordinary principles of statutory interpretation when assessing “whether a construction of the statute is fairly possible by which the [constitutional] question may be avoided[.]” *Sole v Mich Econ Dev Corp*, 509 Mich 406, 419 (2022); and (3) whether it is appropriate to adopt a limiting construction of MCL 750.543m(1)(a) to remedy any remaining constitutional deficiency, see *People v Burkman*, 513 Mich 300, 340 (2024); see also *Osborne v Ohio*, 495 US 103, 115 (1990).

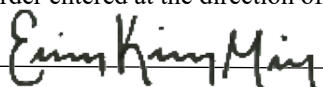
The Prosecuting Attorneys Association of Michigan and the Criminal Defense Attorneys of Michigan are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issues presented in this case who are not exempt from the motion requirement under MCR 7.312(H) may 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.

December 29, 2025


Clerk