

Order

Michigan Supreme Court
Lansing, Michigan

May 16, 2018

Stephen J. Markman,
Chief Justice

157404

Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Kurtis T. Wilder
Elizabeth T. Clement,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 157404
COA: 326105
Allegan CC: 13-018686-FC

BRANDON JAMES HARBISON,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the January 23, 2018 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on whether to grant the application or take other action. MCR 7.305(H)(1).

The appellant shall file a supplemental brief within 42 days of the date of this order addressing whether the prosecution's admission of Dr. N. Debra Simms' expert testimony that the victim suffered "probable pediatric sexual abuse" violated this Court's decision in *People v Peterson*, 450 Mich 349 (1995), and, if so, whether this was plain error requiring reversal of the defendant's convictions. In addition to the brief, the appellant shall electronically file an appendix conforming to MCR 7.312(D)(2). 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. The appellee shall also electronically file an appendix, or in the alternative, stipulate to the use of the appendix filed by the appellant. 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.



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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.

May 16, 2018

Clerk