

Order

Michigan Supreme Court
Lansing, Michigan

January 25, 2013

Robert P. Young, Jr.,
Chief Justice

145116 & (68)(69)

Michael F. Cavanagh
Stephen J. Markman
Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack,
Justices

PATRICK J. KENNEY,
Plaintiff-Appellant,

v

SC: 145116
COA: 304900
Wayne CC: 11-003828-AH

WARDEN RAYMOND BOOKER,
Defendant-Appellee.

On order of the Court, the motion for immediate consideration and the motion to correct and clarify oral argument are GRANTED. On January 10, 2013, the Court heard oral argument on the application for leave to appeal the April 3, 2012 judgment of the Court of Appeals. The application is again considered, and it is GRANTED. The parties shall address: (1) the relationship between common law and statutory habeas corpus; (2) the standard for establishing a claim for habeas corpus relief, including whether there is a difference between the standard for providing relief at common law and by statute, MCL 600.4301, *et seq.*; (3) the scope of the limitations on habeas corpus found in MCL 600.4310; (4) the effect, if any, of the availability of other means of review on claims for habeas corpus relief generally, and specifically in the context of parole revocation; (5) the validity and scope of the “radical defect” requirement in habeas corpus cases, including whether such requirement is limited solely to defects in subject matter or personal jurisdiction; (6) the standard of review applicable to habeas corpus claims, including if there is a difference at common law and by statute; (7) the type(s) of relief that may be granted to successful habeas corpus claimants; and (8) whether habeas corpus principles recognize a distinction between executive detention and judicially-ordered detention and, if so, the significance of that distinction.

The Clerk of the Court is directed to place this case on the May 2013 session calendar for argument and submission. Appellant’s brief and appendix must be filed no later than March 12, 2013, and appellee’s brief and appendix, if appellee chooses to submit an appendix, must be filed no later than April 12, 2013.

The Criminal Defense Attorneys of Michigan and the Prosecuting Attorneys Association 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.



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I, Corbin R. Davis, 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.

January 25, 2013

A handwritten signature in cursive script that reads "Corbin R. Davis".

Clerk