

Order

Michigan Supreme Court
Lansing, Michigan

November 19, 2025

Megan K. Cavanagh,
Chief Justice

168539

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: 168539
COA: 374487
Cheboygan CC: 24-006781-FH

CLINTON ORMSBEE,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the April 1, 2025 order 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), addressing whether MCL 769.1k(1)(b)(iii), either facially or as applied, violates: (1) separation of powers by assigning the judicial branch “ ‘tasks that are more properly accomplished by [the Legislature],’ ” *Mistretta v United States*, 488 US 361, 383 (1989), quoting *Morrison v Olson*, 487 US 654, 680-681 (1988); see also *Houseman v Kent Circuit Judge*, 58 Mich 364, 367 (1885); Const 1963, art 9, § 1; (2) due process by creating a “ ‘potential for bias’ ” or an “objective risk of actual bias,” *Caperton v A T Massey Coal Co, Inc*, 556 US 868, 881, 886 (2009), quoting *Mayberry v Pennsylvania*, 400 US 455, 466 (1971); see also, e.g., *Williams v Pennsylvania*, 579 US 1, 8-9; Const 1963, art 1, § 17; and (3) the Distinct Statement Clause of Const 1963, art 4, § 32.

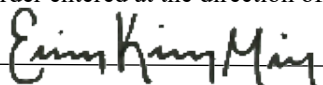
The Michigan District Judges Association, the State Bar of Michigan Judicial Section, the Criminal Defense Attorneys of Michigan, the Prosecuting Attorneys Association of Michigan, and the Detroit Justice Center are invited to file briefs amicus curiae. Other persons or groups interested in the determination 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.

November 19, 2025


Clerk