

838 N.W.2d 876 (Mem)
Supreme Court of Michigan.

PEOPLE of the State of Michigan,
Plaintiff–Appellee,

v.

Cortez Roland **DAVIS**, Defendant–Appellant.

Docket No. **146819**. | COA No. 314080. | Nov. 6,
2013.

Opinion

Order

On order of the Court, the motion for leave to file a brief amicus curiae is GRANTED. The application for leave to appeal the January 16, 2013 order of the Court of Appeals is considered, and it is GRANTED, limited to the issues: (1) whether the prohibition against “cruel and unusual punishments” found in the Eighth Amendment to the

United States Constitution, and/or the prohibition against “cruel or unusual punishment” found in Const. 1963, art. 1, § 16, categorically bar the imposition of a life without parole sentence on a defendant under the age of 18 convicted of first-degree murder for having aided and abetted the commission of a felony murder; and (2) if such a categorical bar exists, whether it applies retroactively, under federal or state law, to cases that have become final after the expiration of the period for direct review. See *Teague v. Lane*, 489 U.S. 288, 109 S.Ct. 1060, 103 L.Ed.2d 334 (1989); *People v. Maxson*, 482 Mich. 385, 759 N.W.2d 817 (2008).

We direct the Clerk to schedule the oral argument in this case for the same future session of this Court when it will hear oral argument in *People v. Carp* (Docket No. 146478) and *People v. Eliason* (Docket No. 147428). The Court will issue a separate scheduling order specifying the parameters for oral argument, including time limits and allocation of time.

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