

# Order

Michigan Supreme Court  
Lansing, Michigan

July 28, 2020

Bridget M. McCormack,  
Chief Justice

160667

David F. Viviano,  
Chief Justice Pro Tem

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

Stephen J. Markman  
Brian K. Zahra  
Richard H. Bernstein  
Elizabeth T. Clement  
Megan K. Cavanagh,  
Justices

v

SC: 160667  
COA: 350886  
Muskegon CC: 1980-022774-FC

ROBERT LOUIS DUKES,  
Defendant-Appellant.

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By order of April 17, 2020, the prosecuting attorney was directed to answer the application for leave to appeal the November 21, 2019 order of the Court of Appeals. On order of the Court, the answer having been received, the application for leave to appeal is again considered. Pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we VACATE the Muskegon Circuit Court's September 11, 2019 opinion and order denying the defendant's motion for additional funds to obtain expert assistance, and we REMAND this case to that court for reconsideration of the motion. The trial court's ruling rests in part on its mistaken belief that the defendant sought to raise the cap on expert funding from \$10,000 to \$22,000. In fact, the defendant seeks to increase the cap to \$16,300. On remand, the trial court shall conduct an individualized assessment of the sum required to "assure the defendant access" to the experts needed to "conduct an appropriate examination and assist in evaluation, preparation, and presentation of the defense." *People v Kennedy*, 502 Mich 206, 218 (2018) (emphasis removed), quoting *Ake v Oklahoma*, 470 US 68, 83 (1985).

We do not retain jurisdiction.



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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.

July 28, 2020

Clerk