Exhibit T

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VIA EMAIL AND FIRST CLASS MAIL

Re: *Schied v Lincoln Consolidated Schools, et al*, COA No. 267023
MEA No. JDP00030Z

Dear Mr. Long:

On June 29, 2006, the Court of Appeals issued its decision in this case. It affirmed the circuit court's decision to dismiss the case. The Court reviewed the Texas set aside statute and constitutional gubernatorial pardon provision in detail. At base, the Court concluded that while the set aside and pardon "wiped away" Mr. Schied's status as a convicted felon, they did not wipe away the conviction's existence . As the Court held:

> Consequently, we conclude that while the 1979 early termination order relieved plaintiff from the order of conviction and the legal liabilities arising therefrom, the early termination order did not erase the existence of the 1977 conviction such that plaintiff could deny truthfully in September 2003 that any conviction ever existed.
> (Opinion at p 6)

The Court's decision on this matter is well-reasoned. But in my opinion it ignores, or casts-off without acceptable explanation, Texas case law interpreting their set aside statute. In particular, *Cuellar v Texas*, 70 SW3d 815 (Tex Crim App 2002), is the controlling law on this issue. *Cuellar* addresses both the conviction's and the convict's status. *Cuellar* is clear that the conviction is wiped away, thus resulting in the convict's change of status. The individual's status does not change independent of the conviction's extermination.

Mr. Schied relied upon the set aside order and gubernatorial pardon in completing his teaching certification applications in California and Michigan. Likewise, he relied upon them in completing the employment application with Lincoln Consolidated Schools. In my opinion his reliance was reasonable. For that reason, I recommend that we file an application for leave to appeal to the Supreme Court.

I make this recommendation with some hesitation, however. I believe that the Supreme Court is unlikely to consider this matter one of significant public interest or jurisprudentially significant (necessary grounds for the application to be granted). Certainly, the broader issue is greatly important to public employers and their employee candidates. In my opinion, however, the Supreme Court is likely to find the Texas statutes, which treat set asides and expungments separately, inapposite from Michigan law. Nevertheless, I also believe that there is an important policy question to pursue; namely, when can a candidate for employment rely upon unequivocal court orders and thereby put "his past behind him."

An application for leave to appeal must be filed within 42 days of the Court of Appeals decision. By my calculation that is August 10, 2006. Please let me know at your earliest convenience whether the MEA wishes to have me proceed in this matter.

If you have any questions please feel free to contact me.

Very truly yours,

THE FIRESTONE LAW FIRM, P.C.

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