

Court of Appeals, State of Michigan

ORDER

In re Parole of Joshua Case

Docket No. 301971

LC No. 10-000628-AP

William C. Whitbeck
Presiding Judge

Peter D. O'Connell

Amy Ronayne Krause
Judges

The Court orders that the application for leave to appeal is GRANTED, limited to the issues raised in the application. MCR 7.205(D)(4). The time for taking further steps in this appeal runs from the date of the Clerk's certification of this order. MCR 7.205(D)(3).

Krause, J., would DENY the application for leave to appeal. Based on the parole record, the parole violation charge reads that defendant "on or about 12/7/2009" "associated with Andrew Case" (defendant's father) who defendant "knew to be in possession of firearms." The parole record indicates that Parole Agent Cedillo told Andrew Case at the pre-parole interview that it was "ok to hunt on the property, but firearms could not be in the house at all." Therefore, defendant could not be guilty of the charge because defendant's father was told by the parole agent that he was allowed to possess firearms.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

APR 25 2011

Date

Larry S. Royster
Chief Clerk