

Court of Appeals, State of Michigan

ORDER

In re Parole of Earl Young

Docket No. 316413

LC No. 09-025099-01-FH

Cynthia Diane Stephens
Presiding Judge

Michael J. Talbot

Christopher M. Murray
Judges

On June 3, 2013, this Court issued an order vacating the April 26, 2013, order entered by the Wayne County Circuit Court and remanding this matter to the court (1) to articulate why the court "withdrew" its "objection" to the Parole Board's decision to grant defendant parole after it had previously found the Parole Board decision to be "a total, outrageous abuse of discretion" and (2) to enter a final order either reversing or affirming the Parole Board decision in order to conclude the appellate proceeding in the circuit court. The circuit court forwarded to this Court an order explaining the court's withdrawal of objection, dated June 5, 2013, but the circuit court has not yet entered a final order. The failure of the court to do so does not inhibit this Court's review of the delayed application filed by the prosecution.

The delayed application challenges the Parole Board's decision to release defendant by asserting that the board may not release a prisoner without reasonable assurances that he will not present a menace to society. MCL 791.233(1)(a). The prosecution argues that there are no reasonable assurances that defendant will take his psychotropic pills, and in fact, there is a near certainty that given his prior history, defendant will cease taking them. However, in *In re Parole of Earl Young*, unpublished opinion per curiam of the Court of Appeals, issued October 30, 2012 (Docket No. 304837), a majority of this Court found that the parole board followed both its internal rules and its statutory mandates, and vacated the circuit court's order reversing the board's decision to parole defendant and remanded the matter to the circuit for further articulation. On remand, the circuit court chose to abandon its prior determination that the board abused its discretion. MCR 7.118(H)(3) and former court rule MCR 7.105(D)(5)(b). Accordingly, this Court orders that the delayed application for leave to appeal is DENIED.

The Court retains no further jurisdiction.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

AUG 09 2013

Date


Chief Clerk