

Court of Appeals, State of Michigan

ORDER

People of MI v John Jeffrey-Lewis Rick

Docket No. 316966

LC No. 12-004540-FH

Douglas B. Shapiro
Presiding Judge

Jane E. Markey

Mark T. Boonstra
Judges

Pursuant to MCR 7.205(D)(2), in lieu of granting the application for leave to appeal, the Court VACATES the June 7, 2013 decision of the Jackson Circuit Court. The circuit court erroneously concluded that decedent Icy Krystal James was not a victim of defendant's course of conduct that gave rise to his criminal conviction. MCL 780.766(2); *People v Gahan*, 456 Mich 264; 571 NW2d 503 (1997); *People v Lueth*, 253 Mich App 670; 660 NW2d 322 (2002). However, the circuit court correctly observed that the Crime Victim's Rights Act precludes the victim from being compensated for the same costs from both an insurance company and the criminal MCL 780.766(8); *People v Washpun*, 175 Mich App 420; 438 NW2d 305 (1989); *People v Jones*, 168 Mich App 191; 423 NW2d 614 (1988). As there is no evidentiary record from which it can be ascertained whether the funeral expenses were paid by a no-fault insurer pursuant to MCL 500.3107(1)(a)(ii) or by some other insurer, this matter is REMANDED for an evidentiary hearing to determine whether restitution in the amount of the actual costs of the funeral and related services would constitute a prohibited double recovery. This order has immediate effect. MCR 7.215(F)(2). The Court does not retain jurisdiction.



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

JAN 14 2014

Date


Chief Clerk