

Court of Appeals, State of Michigan

ORDER

People of MI v David A Pomeroy

Docket No. 322085

LC No. 14-000324-FC

Michael J. Talbot
Presiding Judge

Kirsten Frank Kelly

Karen M. Fort Hood
Judges

The Court orders that the motion for immediate consideration is GRANTED.

Pursuant to MCR 7.205(E)(2), the Court orders that the May 14, 2014 order, granting in part defendant's motion to quash and dismissing the charges of unlawful imprisonment, MCL 750.349b, larceny of a firearm MCL 750.357b, and possession of a firearm during the commission of a felony (felony-firearm), MCL 750.227b, is REVERSED and this matter is REMANDED for reinstatement of the charges and further proceedings. Plaintiff presented evidence to establish probable cause that the charged offenses were committed and that defendant committed them. *People v Redden*, 290 Mich App 65, 83-84; 799 NW2d 184 (2010). Plaintiff's evidence establishes that defendant acted in concert with and assisted codefendant Michael Notoriano in the unlawful imprisonment of one victim and supports the charge of unlawful imprisonment on an aiding and abetting theory. *People v Robinson*, 475 Mich 1, 6; 715 NW2d 44 (2006); *People v Moore*, 470 Mich 56, 63; 679 NW2d 41 (2004). Plaintiff also presented evidence to support a charge that defendant "commit[ed] larceny by stealing the firearm of another person." MCL 750.357b. As there was evidence that defendant possessed a firearm during the commission of these offenses, the charge of felony-firearm is proper. MCL 750.227b.

This order is to have immediate effect. MCR 7.215(F)(2).

This Court retains no further jurisdiction.



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

JUL 16 2014

Date


Chief Clerk