

**Court of Appeals, State of Michigan**

**ORDER**

People of MI v Florence Metz

Docket No. 333753

LC No. 2014-250729-FH

Elizabeth L. Gleicher  
Presiding Judge

Kathleen Jansen

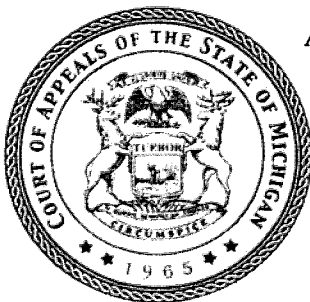
Deborah A. Servitto  
Judges

---

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

In lieu of granting the application for leave to appeal, the motion for peremptory reversal pursuant to MCR 7.211(C)(4) is GRANTED and the circuit court's May 31, 2016, order denying defendant's motion for clarification to lift the hold placed on defendant is REVERSED. Although defendant is currently incarcerated in the Oakland County Jail, the issue pertaining to the hold is not moot because the trial court's denial of defendant's motion has resulted in her current incarceration. See *Mead v Batchlor*, 435 Mich 480, 486; 460 NW2d 493 (1990), abrogated on other grounds *Turner v Rogers*, 564 US 431; 131 S Ct 2507; 180 L Ed 2d 452 (2011) (where a court's decision has "collateral legal consequences for a defendant, the issue is not necessarily moot.") The circuit court erred by denying defendant's motion because the 365-day jail term was imposed as a condition of defendant's probation pursuant to MCL 771.3(2)(a) and the order discharging defendant from probation necessarily encompassed the jail term. We direct that defendant be released from the Oakland County Jail immediately.

This Court retains no further jurisdiction.



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

**JUL 15 2016**

Date

Chief Clerk