

**Court of Appeals, State of Michigan**

**ORDER**

People of MI v Trevor James LaCrosse-Latour

Docket No. 338663

LC No. 16-003075-FJ

Peter D. O'Connell  
Presiding Judge

Patrick M. Meter

Amy Ronayne Krause  
Judges

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

The motion for stay is DENIED.

The application for leave to appeal is DENIED for failure to persuade the Court of the need for immediate appellate review.

Ronayne Krause, J., would grant the motion for stay and the application for leave to appeal, and states:

Because the adult sentencing is still available, the court is invading the prosecutor's charging authority, and it is an abuse of its discretion. In *People v Siebert*, 450 Mich 500, 509; 537 NW2d 891 (1995), the Court expressly removes from the trial court's discretion the rejection of a plea that "invades the prosecutor's charging authority." And while the *Siebert* Court also affirms the trial court's discretion to reject pleas to reduced charges, our Supreme Court stated:

In the context of plea and sentence agreements, the court's interest in imposing a just sentence is protected by its right to reject any agreement, except that which invades the prosecutor's charging authority. A trial court may reject pleas to reduced charges, and it may protect its sentencing discretion by rejecting sentence agreements. In this sense, neither the prosecutor nor the defendant can dictate the sentence. [*Siebert*, 450 Mich at 509-510.]

This case does not involve a sentence agreement. The trial court may still hold a hearing and sentence defendant as an adult.



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

**JUN - 6 2017**

Date

Chief Clerk