

**Court of Appeals, State of Michigan**

**ORDER**

In re Forfeiture of One 1987 Buick Grand National

Docket No. 340536

LC No. 2016-013188-CZ

Amy Ronayne Krause  
Presiding Judge

Patrick M. Meter

Brock A. Swartzle  
Judges

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

The Court orders that the motion for stay is DENIED.

The Court orders that the delayed application for leave to appeal is DENIED for lack of merit in the grounds presented.

Ronayne Krause, J., dissents and states: I concur with my colleagues to grant the motion for immediate consideration. I however dissent from the rest of my colleagues order. I would grant the motion for stay and hold the delayed application for leave in abeyance and retain jurisdiction for the following reasons: If this Court affirms the dismissal of the underlying criminal charges in docket no. 336902, then the status quo will be maintained. In that circumstance, plaintiff believes it cannot maintain the civil forfeiture action. However, if this Court reverses and the criminal charges are reinstated on the underlying criminal charges, then this civil forfeiture would not be barred by MCL 333.26428(c)(2). Waiting for the result of the appeal in the criminal charges underlying this forfeiture would not be an undue delay. This stay is necessary so that justice occurs.



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

**OCT 19 2017**

Date

Chief Clerk