

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ABDULLAH DUAN LAND,

Defendant-Appellant.

UNPUBLISHED

January 15, 2013

No. 306597

Wayne Circuit Court

LC No. 10-008570-01-FC

Before: RONAYNE KRAUSE, P.J., and SERVITTO and SHAPIRO, JJ.

SHAPIRO, J. (*concurring*).

I concur with the majority's conclusion that defendant's conviction was not against the great weight of the evidence. I also agree with the majority that the sentence imposed did not violate the 8th Amendment to the United States Constitution nor Article 1, Section 16, of Michigan's Constitution. I have substantial concerns, however, that the Legislature's prohibition against a judge imposing any minimum sentence less than 25 years violates the constitutional doctrine of separation of powers. See, Note, *Trial by Legislature: Why Statutory Mandatory Minimum Sentences Violate the Separation of Powers Doctrine*, 19 B.U. Pub. Int. L.J. 285 (2010). This constitutional question should, however, be resolved in a case where the issue has been squarely raised and fully briefed.

/s/ Douglas B. Shapiro