

Order

Michigan Supreme Court
Lansing, Michigan

September 12, 2017

Stephen J. Markman,
Chief Justice

153986 & (16)(17)

Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Joan L. Larsen
Kurtis T. Wilder,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 153986
COA: 331011
Wayne CC: 11-012737-FC

MARCO DEMARIO MARTIN,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the April 28, 2016 order of the Court of Appeals is considered. We DIRECT the Wayne County Prosecuting Attorney to answer the application for leave to appeal within 28 days after the date of this order. The prosecuting attorney shall include among the issues to be briefed: (1) whether Offense Variable (OV) 11, MCL 777.41, was properly scored; (2) whether a formal plea offer was made to the defendant before trial, and, if known, whether the defendant was advised of the offer and rejected it; and (3) whether the defendant is entitled to have the provision of lifetime electronic monitoring pursuant to MCL 750.520b(2)(d) vacated from his judgment of sentence for failure to provide notice of the penalty in advance of trial, see MCR 6.104(E), MCR 6.112(D), or in light of *People v Comer*, 500 Mich ____ (2017).

The application for leave to appeal and motions for appointment of counsel and remand to the trial court remain pending.

WILDER, J., did not participate because he was on the Court of Appeals panel.



s0906

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 12, 2017

Handwritten signature of Larry S. Royster in black ink.

Clerk