

Order

Michigan Supreme Court
Lansing, Michigan

November 17, 2016

Robert P. Young, Jr.,
Chief Justice

154039

Stephen J. Markman
Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Joan L. Larsen,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellant,

v

SC: 154039
COA: 324856
Macomb CC: 2009-002637-FC

DWAYNE EDMUND WILSON,
Defendant-Appellee.

On order of the Court, the application for leave to appeal the May 10, 2016 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on whether to grant the application or take other action. MCR 7.305(H)(1). The parties shall file supplemental briefs within 42 days of the date of this order addressing: (1) whether MCL 750.227b(1) of the felony-firearm statute requires two prior convictions under this subsection to have arisen from separate criminal incidents in order for a third conviction under the subsection to trigger the 10-year imprisonment penalty; and, if not (2) whether this Court should overrule *People v Stewart*, 441 Mich 89 (1992), which, in holding that the two prior convictions must have arisen from separate criminal incidents, relied upon *People v Preuss*, 436 Mich 714 (1990), the reasoning of which was overruled by *People v Gardner*, 482 Mich 41 (2008). The parties should not submit mere restatements of their application papers.



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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.

November 17, 2016

Clerk