

Order

Michigan Supreme Court
Lansing, Michigan

April 4, 2017

Stephen J. Markman,
Chief Justice

154111 & (27)

Robert P. Young, Jr.
Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Joan L. Larsen,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 154111
COA: 330207
Berrien CC: 2011-003033-FC

MICHAEL EUGENE BARNER,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the June 17, 2016 order of the Court of Appeals and the motion for relief are considered. We DIRECT the Berrien County Prosecuting Attorney to answer the application for leave to appeal and motion for relief within 28 days after the date of this order. In particular, the prosecuting attorney shall address whether the Court of Appeals improperly treated the defendant's motion for resentencing as a motion for relief from judgment, see *Castro v United States*, 540 US 375; 124 S Ct 786; 157 L Ed 2d 778 (2003), and, if so, what remedy should be afforded.

The application for leave to appeal and motion for relief remain pending.



a0327

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.

April 4, 2017


Clerk