

Order

Michigan Supreme Court
Lansing, Michigan

November 16, 2017

Stephen J. Markman,
Chief Justice

154897

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

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellant,

v

SC: 154897
COA: 327601
Wayne CC: 10-005864-FH

LAVAGAS DRAIN,
Defendant-Appellee.

By order of March 7, 2017, the application for leave to appeal the October 13, 2016 judgment of the Court of Appeals was held in abeyance pending the decisions in *People v Steanhouse* (Docket No. 152849) and *People v Masroor* (Docket Nos. 152946-8). On order of the Court, the cases having been decided on July 24, 2017, 500 Mich 453 (2017), the application is again considered, and it is DENIED, because we are not persuaded that the question presented should be reviewed by this Court.

MARKMAN, C.J. (*concurring*).

I concur in this Court's decision to deny leave to appeal because I agree with the Court of Appeals' remand for resentencing on the ground that the trial court failed to adequately explain why the particular sentence here was reasonable. At the same time, however, I do not agree with the Court of Appeals that at this juncture any particular sentence should be ruled in, or ruled out, as reasonable or unreasonable.

WILDER, J., did not participate because he was on the Court of Appeals panel at an earlier stage of the proceedings.



t1115

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 16, 2017

Handwritten signature of Larry S. Royster in black ink.

Clerk