

Order

Michigan Supreme Court
Lansing, Michigan

November 16, 2017

Stephen J. Markman,
Chief Justice

155904

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

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 155904
COA: 337241
Chippewa CC: 15-001758-FC

GEORGE THOMAS KLUKOWSKI,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the April 13, 2017 order of the Court of Appeals is considered. We DIRECT the Chippewa County Prosecuting Attorney to answer the application for leave to appeal within 28 days after the date of this order. The prosecutor shall specifically address: (1) whether the CSC I offense arose “from the same transaction” as one or both of the other two offenses for which the defendant was convicted, MCL 750.520b(3); and, if so (2) whether the imposition of a consecutive sentence in this case for first-degree criminal sexual conduct violates either of the Ex Post Facto Clauses of the United States and Michigan Constitutions, US Const, art I, § 10, cl 1; Const 1963, art 1, § 10, where the statute authorizing a consecutive sentence, MCL 750.520b(3), did not exist when either the first-degree or second-degree criminal sexual conduct offenses were committed.

The application for leave to appeal remains pending.



d1115

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