

Order

Michigan Supreme Court
Lansing, Michigan

May 29, 2019

Bridget M. McCormack,
Chief Justice

158471

David F. Viviano,
Chief Justice Pro Tem

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

Stephen J. Markman
Brian K. Zahra
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh,
Justices

v

SC: 158471
COA: 344325
Kalamazoo CC: 2016-000285-FC

VICTOR PEERY,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the August 1, 2018 order of the Court of Appeals is considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals for consideration, as on leave granted, of whether MCL 768.7a authorized the trial court to require the sentences in this case to run consecutively with the defendant's sentence for violating probation in an earlier case. On remand, the Court of Appeals shall address: (1) whether the definition of "prison" found in MCL 750.193(2) controls whether a facility is a "penal or reformatory institution" for purposes of MCL 768.7a(1), even though the two statutes appear in different codes, compare *People v Johnson*, 96 Mich App 84, 86-88 (1980), and *People v Parker*, 319 Mich App 410 (2017), with *People v Washington*, 501 Mich 342, 357 (2018); (2) if so, whether the Kalamazoo Probation Enhancement Program (KPEP) falls within that definition of "prison"; and (3) if not, whether the Legislature intended for a program like KPEP to be treated as a "penal or reformatory institution" for purposes of MCL 768.7a. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining question presented should be reviewed by this Court.



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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.

May 29, 2019

Clerk