

Order

Michigan Supreme Court
Lansing, Michigan

May 18, 2007

Clifford W. Taylor,
Chief Justice

132692

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 132692
COA: 264605
Lenawee CC: 05-011560-FH

DONALD LAMONT LESTER,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the October 31, 2006 judgment of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the question presented should be reviewed by this Court.

KELLY, J., dissents and states as follows:

I agree with Court of Appeals Judge Whitbeck that defendant's sentence should be set aside and the case remanded for resentencing. Defendant showed plain error. He should not have been sentenced as an habitual offender without the prosecution confirming that his convictions in Ohio were for offenses that would have been felonies under Michigan law. This plain error undermined the fairness and integrity of the judicial proceeding. *People v Carines*, 460 Mich 750, 774 (1999).



d0515

I, Corbin R. Davis, 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 18, 2007

Corbin R. Davis

Clerk