

# Order

Michigan Supreme Court  
Lansing, Michigan

November 2, 2007

Clifford W. Taylor,  
Chief Justice

132607

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: 132607  
COA: 272497  
Wayne CC: 05-007120-01

RACHEL GUTLERREZ,  
Defendant-Appellant.

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By order of March 26, 2007, the application for leave to appeal the October 10, 2006 judgment of the Court of Appeals was held in abeyance pending the decision in *People v Johnston* (Docket No. 130526). On order of the Court, the case having been decided on June 15, 2007, 478 Mich 903 (2007), the application is again considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court.

MARKMAN, J., dissents and states as follows:

For the reasons stated in my dissenting statement in *People v Villegas*, \_\_ Mich \_\_ (Docket No. 129981, decided November 2, 2007), I would remand this case to the trial court for resentencing.

KELLY, J., joins the statement of MARKMAN, J.



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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.

November 2, 2007

*Corbin R. Davis*

Clerk