

Order

Michigan Supreme Court
Lansing, Michigan

March 19, 2010

Marilyn Kelly,
Chief Justice

139537 & (67)

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellant/
Cross-Appellee,

v

MARCO ANTONIO HERCULES-LOPEZ,
Defendant-Appellee/
Cross-Appellant.

SC: 139537
COA: 280887
Kent CC: 06-000220-FC

On March 10, 2010, the Court heard oral argument on the application for leave to appeal the June 30, 2009 judgment of the Court of Appeals. On order of the Court, the application is again considered. MCR 7.302(H)(1). In lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals, for the reasons stated in the Court of Appeals dissenting opinion, and we REMAND this case to the Court of Appeals for consideration of the issues raised by the defendant but not addressed by that court during its initial review of this case. The application for leave to appeal as cross-appellant is DENIED, because we are not persuaded that the question presented should be reviewed by this Court.

KELLY, C.J., and CAVANAGH, J., would deny the application for leave to appeal.



s0316

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.

March 19, 2010

Corbin R. Davis

Clerk