

Order

Michigan Supreme Court
Lansing, Michigan

April 30, 2010

Marilyn Kelly,
Chief Justice

139833

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-Appellee,

v

SC: 139833
COA: 284670
Wayne CC: 96-004431-2

JOHN VINCENT JONES,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the August 25, 2009 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on whether to grant the application or take other preemptory action. MCR 7.302(H)(1). For the benefit of amici, we note that the parties understand that the issues include: (1) whether the defendant, who had absconded on bond pending appeal after being sentenced, is entitled to credit for all time served in federal custody after federal authorities arrested him on the outstanding Michigan warrant in this case; and (2) whether this case is controlled by *People v Gallagher*, 410 Mich 429 (1979), and *In re Carey*, 372 Mich 378 (1964). The parties shall submit supplemental briefs within 42 days of the date of this order addressing, in light of the concurrent nature of the federal and state sentences, why the amount of credit the defendant receives in this case should or should not depend on (1) whether the defendant has been sentenced for the federal offense; and (2) whether the defendant has received or might receive credit toward his federal sentence from the federal courts.

The Criminal Defense Attorneys of Michigan and the Prosecuting Attorneys Association of Michigan are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.



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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.

April 30, 2010

Corbin R. Davis

Clerk