

Order

Michigan Supreme Court
Lansing, Michigan

April 30, 2010

Marilyn Kelly,
Chief Justice

140142

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: 140142
COA: 285287
Huron CC: 07-004595-FC

MITCHELL JAMES CLAPPER,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the October 15, 2009 judgment of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court.

KELLY, C.J., would grant leave to appeal for the reasons set forth in her dissenting statement in *People v Xiong*, 483 Mich 951 (2009).

CAVANAGH, J., would grant leave to appeal to consider the *McDougall v Schanz*, 461 Mich 15 (1999), issue.



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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