

# Order

Michigan Supreme Court  
Lansing, Michigan

May 1, 2013

Robert P. Young, Jr.,  
Chief Justice

145477 & (44)(45)

Michael F. Cavanagh  
Stephen J. Markman  
Mary Beth Kelly  
Brian K. Zahra  
Bridget M. McCormack  
David F. Viviano,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 145477  
COA: 304273  
Monroe CC: 06-035599-FH

ALFONZO ANTWON JOHNSON,  
Defendant-Appellant.

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By order of December 12, 2012, the prosecuting attorney was directed to answer the application for leave to appeal the June 21, 2012 judgment of the Court of Appeals. On order of the Court, the answer having been received, the application for leave to appeal the June 21, 2012 judgment of the Court of Appeals is considered, and it is GRANTED. The parties shall address: (1) whether the amendment of the supplemental notice of intent to seek to enhance the defendant's sentence was contrary to MCL 769.13, and, if so, to what remedy, if any, the defendant is entitled; and (2) whether, if the original notice was defective and no order was entered allowing the notice to be amended, the trial court had the authority to sentence the defendant as a fourth habitual offender. The motion to remand is DENIED.

We further ORDER the Monroe Circuit Court, in accordance with Administrative Order 2003-03, to determine whether the defendant is indigent and, if so, to appoint counsel to represent the defendant in this Court.

The Prosecuting Attorneys Association of Michigan, the Criminal Defense Attorneys Association of Michigan, and the Criminal Law Section of the State Bar 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.

May 1, 2013

*Corbin R. Davis*

Clerk