

# Order

Michigan Supreme Court  
Lansing, Michigan

October 2, 2013

147236

Robert P. Young, Jr.,  
Chief Justice

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: 147236  
COA: 307104  
Wayne CC: 11-004878-FC

BERRY ROBINSON,  
Defendant-Appellant.

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On order of the Court, the application for leave to appeal the April 16, 2013 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals to the extent that it affirmed the defendant's conviction for assault with intent to murder, we VACATE the defendant's conviction and sentence for that offense, and we REMAND this case to the Wayne Circuit Court for entry of an amended judgment of sentence consistent with this order. There was no evidence that the defendant was connected to the shots fired at the victim from a passing car, or evidence that connected the defendant to that car. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court.



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I, Larry S. Royster, 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.

October 2, 2013

  
Clerk