

Order

Michigan Supreme Court
Lansing, Michigan

December 23, 2013

147376 & (48)

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

JOSEPH RIVERS,
Defendant-Appellant.

SC: 147376
COA: 308871
Wayne CC: 11-008251-FH

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

By order of October 28, 2013, the prosecuting attorney was directed to answer the application for leave to appeal the May 23, 2013 judgment of the Court of Appeals. On order of the Court, the answer having been received, the application for leave to appeal is again considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REMAND this case to the Wayne Circuit Court for correction of the judgment of sentence. The prosecuting attorney has conceded that the defendant was not previously convicted of possession of a firearm during the commission of a felony, MCL 750.227b(1), and that the defendant's sentence for felony-firearm should not have been enhanced in this case. 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.

We do not retain jurisdiction.



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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.

December 23, 2013


Clerk