

Court of Appeals, State of Michigan

ORDER

People of MI v Deborah Ann Weber

Docket No. 282540

LC No. 07-004358-FH

Mark J. Cavanagh
Presiding Judge

Kathleen Jansen

Elizabeth L. Gleicher
Judges

In lieu of granting the prosecutor's delayed application for leave to appeal, pursuant to MCR 7.205(D)(2), the Court orders that the Macomb Circuit Court's order dated November 5, 2007, which transferred the criminal matter to the 37th District "Drug Court" is REVERSED and the matter REMANDED to the Macomb Circuit Court for further proceedings. The circuit court cannot manage its affairs in a manner which conflicts with valid existing statutes. *In re Credit Acceptance Corp*, 273 Mich App 594, 601; 733 NW2d 65 (2007). Transfer of a criminal matter to a drug treatment court is not valid unless the prosecutor agrees to and approves of that transfer. MCL 600.1602(4)(d); MCL 600.1068(2). The circuit court improperly ordered the transfer over the prosecutor's objections. In all other respects the application for leave to appeal is DENIED for failure to persuade.

This Court retains no further jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

FEB 11 2008
Date

Sandra Schultz Mengel
Chief Clerk