

Order

Michigan Supreme Court
Lansing, Michigan

December 15, 2005

Clifford W. Taylor,
Chief Justice

128392 & (32)

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 128392
COA: 251680
Genesee CC: 03-011297-FH

TYRONE LEE DOBY,
Defendant-Appellant.

On order of the Court, the motion to add issues is GRANTED. The application for leave to appeal the February 22, 2005 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. We take this opportunity to clarify that, although defendant is not entitled to the new sentencing provisions contained in MCL 333.7401(2)(a)(ii), he is entitled to early parole eligibility under MCL 769.234(11). Defendant committed his offense before March 1, 2003, and that statute grants early parole eligibility to persons convicted of “violating or conspiring to violate section 7401(2)(a)(ii) . . . before March 1, 2003.”



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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.

December 15, 2005

Corbin R. Davis

Clerk