

Order

Michigan Supreme Court
Lansing, Michigan

April 6, 2007

Clifford W. Taylor,
Chief Justice

132390

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: 132390
COA: 261837
Wayne CC: 04-010131-01

COUNT PIERRE WAGONER, a/k/a COUNT
BEY WAGONER,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the October 12, 2006 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.

KELLY, J., dissents and states as follows:

Defendant was convicted of being a felon in possession of a firearm, MCL 750.224f; and of possession of a firearm during the commission of a felony, MCL 750.227b, as a result of a single act of possessing a firearm. Because I believe that the social norms underlying these statutes are similar, an inference may be drawn that the Legislature intended not to provide multiple punishments for a single act that violated both statutes. See *People v Calloway*, 469 Mich 448, 455 (2003) (Kelly, J., concurring in result only). Accordingly, I would grant leave to appeal to reconsider *Calloway*.



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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.

April 6, 2007

Corbin R. Davis

Clerk