

Order

Michigan Supreme Court
Lansing, Michigan

May 1, 2009

Marilyn Kelly,
Chief Justice

137908

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellant,

v

SC: 137908
COA: 269739
Macomb CC: 2005-003002-FH

STEVEN JAMES HOCH,
Defendant-Appellee.

On order of the Court, the application for leave to appeal the October 30, 2008 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on whether to grant the application or take other preemptory action. MCR 7.302(G)(1). The parties may file supplemental briefs within 42 days of the date of this order, but they should not submit mere restatements of their application papers.

CORRIGAN, J. (*concurring*).

I would direct the parties to include in their discussion the applicability and effect of MCR 7.210(B)(2), which describes the appellant's duty to file a settled statement of facts when a transcript of proceedings in the trial court is unavailable. The record before this Court appears to have been filed without heed to this rule.

YOUNG, J., joins the statement of CORRIGAN, J.



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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.

May 1, 2009

Corbin R. Davis

Clerk