

Order

Michigan Supreme Court
Lansing, Michigan

November 24, 2010

Marilyn Kelly,
Chief Justice

141482

Michael F. Cavanagh
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway
Alton Thomas Davis,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 141482
COA: 288216
Wayne CC: 07-007134-FC

EDWARD ARTHUR HART,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the June 8, 2010 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we VACATE the defendant's convictions for child sexually abusive activity under MCL 750.145c(2), and we REMAND this case to the Wayne Circuit Court for entry of judgments of conviction for possession of child sexually abusive material and resentencing under MCL 750.145c(4). *People v Hill*, 486 Mich 658 (2010). 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.

CORRIGAN, J. (*concurring*).

I concur in the order vacating defendant's convictions under MCL 750.145c(2) because this course of action is consistent with the majority opinion in *People v Hill*, 486 Mich 658 (2010). I write separately only to reiterate my disagreement with that majority opinion—which I conclude incorrectly interpreted MCL 750.145c(2)—as expressed by Justice YOUNG's dissenting opinion in *Hill*, which I joined.

YOUNG, J. (*concurring*).

While I recognize that *People v Hill*, 486 Mich 658 (2010), controls the outcome in this case, I continue to adhere to my dissenting opinion in *Hill*.

KELLY, C.J., would grant leave to appeal.



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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.

November 24, 2010

Corbin R. Davis

Clerk