

Order

Michigan Supreme Court
Lansing, Michigan

June 8, 2012

Robert P. Young, Jr.,
Chief Justice

144327

Michael F. Cavanagh
Marilyn Kelly
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 144327
COA: 306106
Oakland CC: 2010-233501 FC

DONALD MICHAEL HARDY,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the November 18, 2011 order of the Court of Appeals is considered, and it is GRANTED. The parties shall address whether the trial court erroneously assessed 50 points for offense variable 7 (OV 7), MCL 777.37(1)(a), because the defendant racked a shotgun during the carjacking, and whether trial counsel was ineffective for waiving this issue.

We further ORDER the Oakland Circuit Court, in accordance with Administrative Order 2003-03, to determine whether the defendant is indigent and, if so, to appoint counsel to represent the defendant in this Court.

The Criminal Defense Attorneys of Michigan and the Prosecuting Attorneys Association of Michigan are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issue presented in this case may move the Court for permission to file briefs amicus curiae.



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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.

June 8, 2012

Corbin R. Davis

Clerk