

Order

Michigan Supreme Court
Lansing, Michigan

September 12, 2013

Robert P. Young, Jr.,
Chief Justice

146713

Michael F. Cavanagh
Stephen J. Markman
Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack
David F. Viviano,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 146713
COA: 308080
Clare CC: 10-004061-FH

KRIS EDWARD SITERLET,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the December 27, 2012 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 action. MCR 7.302(H)(1). The parties shall submit supplemental briefs within 28 days of the date of this order addressing: (1) whether the defendant is entitled to any relief on his claim that the trial court lacked authority to sentence him as a fourth habitual offender, MCL 769.12, due to an invalid post-trial amendment of the notice of intent to seek sentence enhancement, MCL 769.13(1), and where the defendant failed to timely object to the amendment or to his sentencing as a fourth habitual offender; and (2) whether the Court of Appeals correctly analyzed the unpreserved error in this case under “plain error” standards. The parties should not submit mere restatements of their application papers.



s0911

I, Larry S. Royster, 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.

September 12, 2013


Clerk