

Order

Michigan Supreme Court
Lansing, Michigan

November 6, 2013

Robert P. Young, Jr.,
Chief Justice

147295

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: 147295
COA: 311898
Tuscola CC: 12-012333-FC

KEVIN JAMES KULINSKI,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the May 15, 2013 order of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REMAND this case to the Tuscola Circuit Court. We DIRECT that court to conduct an evidentiary hearing to resolve challenges to the accuracy or relevancy of information contained in the presentence report in accordance with the requirements of MCL 771.14(6) and MCR 6.425(E)(1)(b) and (E)(2) and to resentence the defendant, if necessary. 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 ORDER the trial 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.

We do not retain jurisdiction.



s1030

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.

November 6, 2013


Clerk