

Order

Michigan Supreme Court
Lansing, Michigan

November 25, 2013

Robert P. Young, Jr.,
Chief Justice

147447

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: 147447
COA: 309651
Wayne CC: 11-009266-FC

DARWIN EUGENE MOORE,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the June 6, 2013 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals in part, VACATE the defendant's conviction of first-degree criminal sexual conduct arising from Count 5 of the amended information, and REMAND this case to the Wayne Circuit Court for amendment of the judgment of sentence consistent with this order. The prosecutor has conceded that Count 5 was erroneously included in the amended information and that the defendant's conviction arising from that count should be vacated. 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.



h1118

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 25, 2013


Clerk