

# Order

Michigan Supreme Court  
Lansing, Michigan

February 8, 2008

135366 & (60)(61)

MICHIGAN *ex rel* THE MUSKEGON  
COUNTY PROSECUTOR,  
Plaintiff-Appellant,

v

MICHIGAN DEPARTMENT OF CORRECTIONS  
and WAYNE LEE STEVENS,  
Defendants-Appellees.

Clifford W. Taylor,  
Chief Justice

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

SC: 135366  
COA: 281321  
Muskegon CC: 07-045526-AW

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On order of the Court, the motion for immediate consideration is GRANTED. The application for leave to appeal the November 29, 2007 judgment of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court. The motion for stay is DENIED.

MARKMAN, J., concurs and states as follows:

The prosecutor, in my judgment, raises reasonable questions concerning (a) whether the Department of Correction's "immediate usage" method of computing good-time and special good-time credits is in better accord with MCL 800.33 than the "earn as you serve" method identified by the prosecutor, and (b) whether an inmate's escape sentence properly begins before the inmate's murder sentence has reached its statutory maximum or before the parole board has expressly terminated the murder sentence. However, in light of the fact that the department's current policies and practices have been employed for more than a half century, and in light of the reliance interests that have arisen in connection with these policies and practices, I believe that further relief must come from the legislative or executive branches of government. See *People v Lively*, 470 Mich 248, 259 (2004) (Markman, J., concurring).



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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.

February 8, 2008

Clerk