

Order

Michigan Supreme Court
Lansing, Michigan

July 23, 2008

Clifford W. Taylor,
Chief Justice

131180 & (17)

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

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 131180
COA: 269209
Lenawee CC: 97-007240-FH

EUGENE KNIGHT,
Defendant-Appellant.

On order of the Court, the motion for immediate consideration is GRANTED. The application for leave to appeal the March 31, 2006 order 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 denial is without prejudice to the defendant's right to file a motion for relief from judgment pursuant to MCR 6.500 *et seq.* that may include the issues whether the 15-year maximum sentence represents a violation of the plea agreement, which the circuit court in part characterized as the defendant agreeing to plead guilty to "the charge of perjury with the understanding that the initial sentence would be limited to a maximum of five years in prison", and whether counsel was ineffective for failing to object on this ground. See Plea Transcript (April 30, 1997), at pp. 2-4, 8-9.



s0716

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.

July 23, 2008

Corbin R. Davis

Clerk