

Court of Appeals, State of Michigan

ORDER

People of MI v Scott Michael Moser

Docket No. 313089

LC No. 11-017550-FH

Donald S. Owens
Presiding Judge

Michael J. Kelly

Amy Ronayne Krause
Judges

The Court orders that the delayed application for leave to appeal is DENIED for lack of merit in the grounds presented.

Ronayne Krause, J., respectfully dissents. Judge Ronayne Krause believes that the applicability of *Alleyne v United States*, ___ US ___; 133 S Ct 2151; ___ L Ed 3d ___ (2013), relied on by defendant, to Michigan's indeterminate sentencing scheme will inevitably need to be decided by this Court or by our Supreme Court. Until such time as an appellate court renders a binding decision on this point, it will continue to be raised as an issue. Full consideration of this issue is inevitable; the only question is how long to delay doing so. In the interests of conserving judicial resources and providing guidance to the bench and bar, Judge Ronayne Krause believes that leave to appeal should be granted



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

AUG 15 2013

Date

Chief Clerk