

Order

Michigan Supreme Court
Lansing, Michigan

February 6, 2009

Marilyn Kelly,
Chief Justice

137486

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 137486
COA: 286100
Genesee CC: 06-018371-FC

GREGORY LEWIS HOLDER,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the September 16, 2008 order of the Court of Appeals is considered. The Clerk of the Court is directed to place this case on the April 2009 session calendar for argument on whether to grant the application or take other peremptory action. MCR 7.302(G)(1). The parties shall submit supplemental briefs within 42 days of the date of this order addressing: (1) whether the judgment of sentence entered on March 22, 2007, was valid when imposed because defendant was not on parole at the time he committed the offenses in this case, despite the subsequent effort to cancel his parole discharge; and (2) whether the trial court lacked the authority to later modify the March 22, 2007 judgment of sentence. See MCR 6.429(A); *People v Miles*, 454 Mich 90, 96 (1997); and *People v Harris*, 482 Mich 986 (2008).

We further ORDER the Genesee Circuit Court to appoint the State Appellate Defender Office to represent the defendant in this Court.

We invite the Attorney General to respond on behalf of the Michigan Department of Corrections to explain under what authority, if any, the Department may proceed *ex parte* to seek the amendment of an otherwise final order.



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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 6, 2009

Corbin R. Davis

Clerk