

COA Opinion: Out-of-state crimes are classified as a felony if they correspond to a specific Michigan statute

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In *Michigan v. Meeks*, No. 297030, the Michigan Court of Appeals affirmed the defendant's sentence of one-and-a-half times the maximum statutory amount, holding that the trial court was correct in classifying a prior Indiana conviction, which was similar to a misdemeanor violation, as a felony due to a corresponding Michigan felony statute.

The case arose out of a stabbing incident. The defendant, Meeks, accosted two friends in Grand Rapids leading to raising tempers, hurled racial insults, and "some scuffling." In the encounter, the defendant stabbed one person. At sentencing, after a jury found the defendant guilty of assault with a dangerous weapon, MCL 750.82, defense counsel admitted that Meeks had a prior conviction in Indiana for purchasing a stolen firearm. The trial court increased his sentence by treating the prior conviction as a low-severity felony instead of the misdemeanor charge as the defendant urged.

The Michigan Court of Appeals considered whether it was an error for the trial court to treat Meeks's Indiana conviction as a felony. Under Michigan's subsequent felony punishment statute, if Michigan law would treat the out-of-state conviction's underlying action as a felony, then the out-of-state conviction is a felony for sentencing purposes. The defendant argued that his receipt of a year imprisonment mirrored misdemeanor convictions and that Michigan's corresponding statute classified receipt of stolen property as a misdemeanor. The Michigan Court of Appeals disagreed. Citing MCL 750.535b(2), which declares that "[a] person who receives . . . a stolen firearm . . . is guilty of a felony," the Michigan Court of Appeals held that the more specific statute (stolen firearms compared with stolen property) controls the case. As such, the trial court was correct in treating the Indiana conviction as a felony and thus increasing his sentence beyond the nonadjusted statutory limit.