

MSC Order List: April 28, 2011

29. April 2011 By Madelaine Lane

On Thursday, April 28, 2011, the Michigan Supreme Court denied four applications for leave to appeal and denied one motion for reconsideration. The Court ordered that *People v. Pittao*, Case No. 142052 and *People v. Long*, Case No. 141946, will be held in abeyance pending the Court's decision in *People v. Watkins*, Case No. 142031 and *People v. Pullen*, Case No. 142751. In *People v. Freeze*, Case No. 142177, the Court directed the Berrien County Prosecuting Attorney to respond to the defendant's application for leave to appeal and to address whether the Court of Appeals correctly decided *People v. Fonville*.

The Court also remanded *People v. Laidlaw*, Case No. 139751 and *People v. Gagnier*, Case No. 139735 to the trial court. The applications for leave to appeal in these two cases had been held in abeyance pending a decision in *People v. Smith* which was decided this past December. In light of the Court's ruling in *Smith*, the Court concluded that while the trial courts had articulated substantial and compelling reasons for departing from the sentencing guidelines, neither court had articulated any rationale to justify the extent of the departure in those cases. Accordingly, both matters were remanded to the trial court. On remand, the trial court was ordered to articulate rationale to justify the extent of the departure from the sentencing guidelines. Alternatively, the trial court may choose to resentence the defendant.

Finally, the Court remanded the case of *People v. Simpson*, Case Nos. 142036, 142089 & 142099, to the Court of Appeals for consideration as on leave granted. Specifically, the Court of Appeals was directed to consider whether the trial court erred in requiring Simpson to register as a sex offender. The Court also noted that it remanded a similar case, *People v. Gentile*, Case No. 295570, to the Court of Appeals on November 24, 2010. The Supreme Court suggested that the *Gentile* decision may be instructive in deciding Simpson's case.