

MSC Order List: May 26, 2010

[27. May 2010 By Madelaine Lane](#)

On Wednesday, May 26, 2010, the Michigan Supreme Court denied seven applications of leave to appeal. The Court also took substantive action regarding two criminal cases and one civil case which are discussed after the jump.

In lieu of granting leave to appeal, the Court remanded the case of *People v. Paluch*, Case No. 140360, to the Macomb County Circuit Court for a determination regarding whether the defendant is entitled to credit for time served between his March 28, 2008 arraignment and his June 1, 2009 sentencing. Although a defendant generally is not entitled to jail credit for time served for an unrelated offense or pursuant to a parole detainer, the Court determined that the record was unclear as to whether the defendant in this case was promised jail credit as part of a plea bargain. On remand, the Court directed the trial court to determine: 1) whether the prosecution and defense counsel intended to make jail credit a part of the plea agreement; 2) whether the defendant reasonably understood that he would receive credit for time served on the sentences in this case; and, 3) whether the court intended to convey to him that he would receive such credit. A copy of the Court's order is [here](#).

In *People v. Jones*, in lieu of granting leave to appeal, the Court vacated the sentence of the Wayne County Circuit Court and remanded the case back to the trial court for resentencing in light of *People v. Hendrick*, 472 Mich 555 (2005). On remand, the trial court was instructed to sentence the defendant within the appropriate guideline range or to state on the record a substantial and compelling reason for departing from that range, in accordance with MCL 769.34(3) and *People v. Babcock*, 469 Mich 247 (2003). A copy of the order can be found [here](#).

Finally, the Court granted the respondent-appellant's application for leave to appeal the December 15, 2009 judgment of the Court of Appeals in *Klooster v. City of Charlevoix*, Case No. 140423. This tax case concerns the question of whether the death of a joint tenant constitutes a transfer of ownership within the meaning of MCL 211.27a. The Court directed the parties to address the following issues on appeal: 1) whether a "conveyance" within the meaning of MCL 211.27a(3), (6), or (7) must be by means of a written instrument; 2) if so, whether the deed creating the joint tenancy qualifies as such an instrument; 3) whether the transfer of title to the petitioner in this case meets the exception of MCL 211.27a(7)(h); 4) whether the transfer of title to the petitioner and his brother as joint tenants meets the exception of MCL 211.27a(7)(h); 5) whether this last issue is properly preserved; and, 6) if not, whether this Court should nevertheless consider this issue to avoid a "miscarriage of justice". The Court invited interested persons or groups to petition the Court for permission to file briefs amicus curiae. A copy of the order granting leave to appeal is [here](#).