# MSC Order List: July 16, 2010

19. July 2010 By Matthew Nelson

The Court took substantive peremptory action in two cases, ordered oral argument on the application in two cases, and granted leave to appeal to address a criminal-sentencing issue. All five cases are discussed below:

*Lawrence M. Clarke, Inc. v. Richco Construction, Inc.*: The Court ordered oral argument on the application. The Court of Appeals affirmed the trial court's refusal to set aside a default judgment where the plaintiff obtained leave from the court to effect service by alternate means and the defendants failed to present the necessary affidavits to show a meritorious defense.

*In re W Minors*: The Court ordered oral argument on the application. The Court of Appeals majority affirmed the decision of Michigan Children's Institute's superintendent denying consent to adopt and dismissing the adoption petitions filed by the Martins, the W minors' former foster parents. Judge Shapiro dissented, concluding that the Martins had been deprived of their ability to adopt the W minors because of an error by the Department of Human Services of Genesee County, and would have remanded the case to the trial court for rehearing.

*People v. Brannon*: The Court peremptorily reversed the Michigan Court of Appeals' decision affirming the trial court's order granting the defendant's motion for a new trial. The Court concluded that the defendant was not deprived of effective representation of counsel because the record showed that defense counsel made a reasonable strategic decision to forgo expert testimony in light of the possibility that the witness might also provide favorable testimony to the prosecution. Justice Cavanagh would have denied leave to appeal.

*People v. Hoag*: The Court vacated the defendant's sentence and remanded the case to the trial court to impose an intermediate sanction or articulate a substantial and compelling reason for departing from the sentencing-guidelines range.

*People v. Knapp*: The Court granted leave to appeal to address whether a sentence where the minimum exceeds two-thirds of the maximum sentence is invalid despite being the product of an agreement.