

MICHIGAN SUPREME COURT

People v. Steanhouse and People v. Masroor

499 Mich. 934 (2016) · No. SC: 152671, 152849, 152871-3, 152946-8; COA: 318329, 322280, 322281, 322282; Wayne CC: 11-011939-FC, 14-000869-FC, 14-000858-FC, 14-000857-FC · Decided May 25, 2016

OPINION

PER CURIAM.

Order Michigan Supreme Court Lansing, Michigan May 25, 2016 Robert P. Young, Jr., Chief Justice 152671 Stephen J. Markman 152849 Brian K. Zahra 152871-3 Bridget M. McCormack David F. Viviano 152946-8 Richard H. Bernstein Joan L. Larsen, PEOPLE OF THE STATE OF MICHIGAN, Justices Plaintiff-Appellee, v SC: 152671 COA: 318329 Wayne CC: 11-011939-FC ALEXANDER JEREMY STEANHOUSE, Defendant-Appellant.
_____/ PEOPLE OF THE STATE OF MICHIGAN, Plaintiff-Appellant, v SC: 152849 COA: 318329 Wayne CC: 11-011939-FC ALEXANDER JEREMY STEANHOUSE, Defendant-Appellee.
_____/ PEOPLE OF THE STATE OF MICHIGAN, Plaintiff-Appellee, v SC: 152871-3 COA: 322280; 322281; 322282 Wayne CC: 14-000869-FC; 14-000858-FC; 14-000857-FC MOHAMMAD MASROOR, Defendant-Appellant.
_____/ PEOPLE OF THE STATE OF MICHIGAN, Plaintiff-Appellant, v SC: 152946-8 COA: 322280; 322281; 322282 Wayne CC: 14-000869-FC; 14-000858-FC; 14-000857-FC 2 MOHAMMAD MASROOR, Defendant-Appellee.
_____/ On order of the Court, the applications for leave to appeal the October 22, 2015 judgment of the Court of Appeals in People v Steanhouse (Docket No. 152671 and Docket No. 152849), and the applications for leave to appeal the November 24, 2015 judgment of the Court of Appeals in People v Masroor (Docket Nos. 152871-3 and Docket Nos. 152946-8) are considered.

Leave to appeal is GRANTED in Steanhouse in Docket No. 152849, and in Masroor in Docket Nos. 152946-8, and the cases shall be argued and submitted to the Court together at such future session of the Court as both cases are ready for submission.

The parties in each case shall address: (1) whether MCL 769.34(2) and (3) remain in full force and effect where the defendant's guidelines range is not dependent on judicial fact-finding, see MCL 8.5; (2) whether the prosecutor's application asks this Court in effect to overrule the remedy in People v Lockridge, 498 Mich. 358, 391 (2015), and, if so, how stare decisis should affect this Court's analysis; (3) whether it is proper to remand a case to the circuit court for consideration under Part VI of this Court's opinion in People v Lockridge where the trial court exceeded the

defendant's guidelines range; and, (4) what standard applies to appellate review of sentences following the decision in *People v Lockridge*.

The Prosecuting Attorneys Association of Michigan and the Criminal Defense Attorneys of Michigan are invited to file briefs amicus curiae addressing the four issues set forth above. Other persons or groups interested in the determination of the issues presented in these cases may move the Court for permission to file briefs amicus curiae. Motions for permission to file briefs amicus curiae and briefs amicus curiae regarding these two cases should be filed in Steanhouse Docket No. 152849 only and served on the parties in both cases.

The total time allowed for oral argument by the parties shall be 60 minutes, with 15 minutes for each party. MCR 7.314(B). Following the arguments by the parties, we invite the Prosecuting Attorneys Association of Michigan and the Criminal Defense Attorneys of Michigan to participate in oral argument to address the first and fourth issues set forth above. Each shall be permitted 10 minutes of argument.

The other applications for leave to appeal (Steanhouse Docket No. 152671 and Masroor Docket Nos. 152871-3) remain pending. I, Larry S. Royster, 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. May 25, 2016 p0518 Clerk