

Order

Michigan Supreme Court
Lansing, Michigan

January 22, 2025

Elizabeth T. Clement,
Chief Justice

167361

Brian K. Zahra
Richard H. Bernstein
Megan K. Cavanagh
Elizabeth M. Welch
Kyra H. Bolden
Kimberly A. Thomas,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 167361
COA: 362870
Shiawassee CC: 1999-002999-FC

JOHN RONALD ESPIE,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the April 25, 2024 judgment of the Court of Appeals is considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we VACATE the last sentence of the judgment of the Court of Appeals, REMAND this case to that court, and DIRECT that it retain jurisdiction while remanding to the Shiawassee Circuit Court for further proceedings. By declining to retain jurisdiction, the Court of Appeals risked depriving the defendant of review of his proportionality claim. Although the defendant would be permitted to claim an appeal of right if the trial court decides that the errors in the presentence investigation report do not warrant resentencing, see MCR 7.202(6)(b)(iv), he would not be permitted to renew his proportionality challenge because “the scope of the second appeal is limited by the scope of the remand.” *People v Jones*, 394 Mich 434, 435-436 (1975). In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court.

We do not retain jurisdiction.

ZAHRA, J., would deny leave to appeal.



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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.

January 22, 2025

Clerk