

Order

Michigan Supreme Court
Lansing, Michigan

March 20, 2020

Bridget M. McCormack,
Chief Justice

160046

David F. Viviano,
Chief Justice Pro Tem

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

Stephen J. Markman
Brian K. Zahra
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh,
Justices

v

SC: 160046
COA: 325407
Monroe CC: 13-040406-FH

LONNIE JAMES ARNOLD,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the June 11, 2019 judgment of the Court of Appeals is considered, and it is GRANTED. The parties shall include among the issues to be briefed: (1) whether indecent exposure by a sexually delinquent person is a distinct felony “enumerated” in the Michigan Penal Code and subject to the sentencing guidelines, or whether the offense is subject to the sentencing guidelines regardless because it is set forth in MCL 777.16q as a listed felony; (2) whether, when the legislative sentencing guidelines provide for a penalty that is inconsistent with the penalty provided in the Penal Code for an offense, the sentencing guidelines are an amendment or repeal of inconsistent provisions of the Penal Code by implication such that the guidelines control, and if so, whether this comports with Const 1963, art 4, § 25; and (3) whether the rule of lenity is implicated, see *People v Hall*, 499 Mich 446, 458 n 38 (2016).

The time allowed for oral argument shall be 20 minutes for each side. MCR 7.314(B)(1).

The Criminal Defense Attorneys of Michigan and the Prosecuting Attorneys Association of Michigan are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.



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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.

March 20, 2020

Clerk