

Order

Michigan Supreme Court
Lansing, Michigan

December 26, 2013

Robert P. Young, Jr.,
Chief Justice

146713

Michael F. Cavanagh
Stephen J. Markman
Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack
David F. Viviano,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 146713
COA: 308080
Clare CC: 10-004061-FH

KRIS EDWARD SITERLET,
Defendant-Appellant.

On November 6, 2013, this Court heard oral argument on the application for leave to appeal the December 27, 2012 judgment of the Court of Appeals. On order of the Court, the application is again considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we AFFIRM the result reached by the Court of Appeals because the defendant waived any error in the untimely amendment of the habitual offender enhancement notice by repeatedly admitting his status as a fourth habitual offender. This waiver extinguished any error. *People v Carter*, 462 Mich 206, 220 (2000). We thus VACATE that part of the Court of Appeals judgment addressing plain error, because it was unnecessary to decide the case.



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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.

December 26, 2013


Clerk