

MICHIGAN SUPREME COURT



Office of Public Information

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FOR IMMEDIATE RELEASE

Sentencing challenges before Michigan Supreme Court in oral arguments tomorrow

LANSING, MI, May 7, 2013 – Three criminal cases round out the Michigan Supreme Court’s scheduled oral arguments of the 2012-2013 term.

In two of those cases, *People v Glenn* and *People v Hardy*, the defendants seek to reduce their sentences. In both cases, the sentencing judges imposed lengthier sentences based on conduct which, the judges concluded, was “designed to substantially increase the fear and anxiety” that the crime victims suffered.

In the remaining case, *Kenney v Booker*, the defendant appeals the revocation of his parole.

The Court will hear the oral argument in its courtroom on the sixth floor of the Michigan Hall of Justice on **May 8**, starting at **9:30 a.m.** The Court’s oral arguments are open to the public and are also streamed live at <http://courts.mi.gov/Courts/MichiganSupremeCourt/Clerks/Oral-Arguments/Pages/live-streaming.aspx>. The Court provides summaries of the cases it will hear at <http://courts.michigan.gov/Courts/MichiganSupremeCourt/Clerks/Oral-Arguments/Pages/default.aspx>.

Please note: These brief accounts may not reflect the way that some or all of the Court’s seven justices view the cases. The attorneys may also disagree about the facts, issues, procedural history, and significance of these cases. For further details about the cases, please contact the attorneys.

Wednesday, May 8

Morning Session Only

KENNEY v BOOKER (case no. 145116)

Court of Appeals case no. 304900

Attorney for plaintiff Patrick J. Kenney: Kevin S. Ernst/(313) 965-5555

Attorney for defendant Warden Raymond Booker: B. Eric Restuccia/(517) 373-1124

Trial Court: Wayne County Circuit Court

Issue: Several months before he was to be discharged from parole on drug possession charges, the plaintiff in this case was pulled over while driving with a drug dealer friend; police discovered a gun in the engine compartment. After the parole board concluded that he had violated his parole, the plaintiff brought an action for habeas corpus, arguing in part that there was insufficient evidence that he had violated his parole conditions. ... [Read more](#)

PEOPLE v HARDY (case no. 144327)

Court of Appeals case no. 306106

Prosecuting attorney: Kathryn G. Barnes/(248) 858-0656

Attorney for defendant Donald Michael Hardy: Ronald D. Ambrose/(248) 890-1361

Trial Court: Oakland County Circuit Court

Issue: The defendant racked a shotgun while robbing the victim. Should the range for his minimum sentence be increased on the basis that his conduct was “designed to substantially increase the fear and anxiety a victim suffered”? ... [Read more](#)

PEOPLE v GLENN (case no. 144979)

Court of Appeals case no. 302293

Prosecuting attorney: Jerrold E. Schrottenboer/(517) 788-4283

Attorney for defendant Devon Decarlos Glenn, Jr.: Linda D. Ashford/(313) 237-6316

Attorney for amicus curiae Attorney General Bill Schuette: Mark G. Sands/(517) 373-4875

Trial Court: Jackson County Circuit Court

Issue: While robbing a convenience store, the defendant hit both store clerks in the head with what appeared to be a sawed-off shotgun. Should the range for his minimum sentence be increased on the basis that his conduct was “designed to substantially increase the fear and anxiety a victim suffered”? ... [Read more](#)

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