STATE OF MICHIGAN
IN THE SUPREME COURT

PEOPLE OF THE STATE OF MICHIGAN, Plaintiff/Appellee,	Supreme Court Case No. 126514
	Court of Appeals Case No. 251836
v.	Livingston County Circuit Court Case No. 03-13545-AR
MARK DAVID SESSIONS, Defendant/Appellant.	Livingston County District Court Case No. 03-0293-FY

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SUPPLEMENTAL BRIEF
IN SUPPORT OF PEREMPTORY REVERSAL

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STATEMENT OF JURISDICTIONAL BASIS

This Court has jurisdiction to review a decision by the Court of Appeals. MCR 7.301(2). Furthermore, this Court has jurisdiction to peremptorily reverse the Court of Appeals. MCR 7.302(G)(1).

STATEMENT OF QUESTION INVOLVED

Should this Court peremptorily reverse a decision that is inconsistent with the plain and common reading of the felon in possession of a firearm statute, where the law speaks for itself, the facts were stipulated to at the Preliminary Examination, and the Court of Appeals's error is manifest because the phrase "successfully completed all conditions of probation" is not synonymous with "perfectly complied with all conditions of probation."

The Appellant answers: Yes

The Appellee answers: No.

STATEMENT OF FACTS

Appellant refers this Court to the Statement of Facts included in its Application for Leave to Appeal.

ARGUMENT

I. THIS COURT SHOULD PEREMPTORILY REVERSE THE COURT OF APPEALS'S DECISION DATED MAY 18, 2004, BECAUSE THE LAW IS SETTLED AND STABLE, THERE ARE NO FACTUAL ISSUES, AND THE DECISION IS CLEARLY IN ERROR.

MCR 7.302(G)(1) permits the Supreme Court to peremptorily reverse a decision of the Court of Appeals. The corresponding provision in the Court of Appeals subchapter, MCR 7.211(C)(4) gives further clarification on what grounds satisfy peremptory reversal: "reversible error is so manifest that an immediate reversal of the judgment or order appealed from should be granted . . . ." United States Supreme Court Justice Marshall noted, in a dissenting opinion, that "a summary reversal is a rare disposition, usually reserved by this Court for situations in which the law is settled and stable, the facts are not in dispute, and the decision below is clearly in error." *Schweiker v Hansen*, 450 US 785, 791; 101 S Ct 3023 (1981). Such action is appropriate in this case.

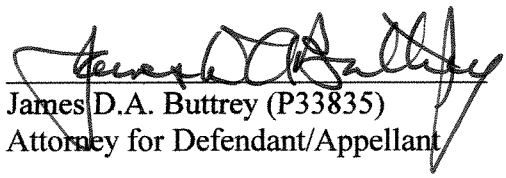
The defendant was charged with being a felon in possession of a firearm, a felony. The District Court dismissed the charge because the defendant had satisfied all of the requirements necessary, as a felon, to possess a firearm. The defendant's previous felony was over nine-years-old at the time of the firearm possession. Almost seven years before, the defendant successfully completed all terms and conditions of probation, as indicated by the defendant's probation officer's Motion to Discharge the Defendant from Probation and Livingston County Circuit Court Judge Burress's Order discharging the defendant from probation. Exhibit 1. And last, the defendant had paid all fines and costs.

The law in this case is not new. The law speaks for itself. There are no factual disputes in this matter. The facts were stipulated to at the Preliminary Examination. And the decision by

the Court of Appeals is clearly in error. The District Court dismissed the case because the defendant clearly did not violate the felon in possession of a firearm statute. Because the Court of Appeals's error is manifest, it is unjust to make the defendant wait for a drawn out appellate proceeding. Additionally, a peremptory reversal promotes judicial economy for this Court and the District Court, where the case remains on the docket subject to the Court of Appeals's decision.

RELIEF REQUESTED

Appellant respectfully requests that this Court peremptorily reverse the Court of Appeals decision and affirm the District and Circuit Courts' decisions.



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