RECEIVED by MSC 11/26/2024 3:42:49 PM

STATE OF MICHIGAN
IN THE SUPREME COURT

THE PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v.

GARY J. SHAVER, JR.,

Defendant-Appellant.
_____/

Supreme Court No. 167736

Court of Appeals No. 361488

Tuscola County Circuit
No. 15-013521-FH

THE PEOPLE OF THE STATE OF MICHIGAN'S ANSWER TO GARY SHAVER'S APPLICATION FOR LEAVE TO APPEAL

Mark Reene
Tuscola County Prosecutor

B. Eric Restuccia (P49550)
Deputy Solicitor General
Attorneys for the People
Solicitor General Division
P.O. Box 30212
Lansing, Michigan 48909
(517) 335-7628
RestucciaE@michigan.gov

Dated: November 26, 2024

RECEIVED by MSC 11/26/2024 3:42:49 PM

The People of the State of Michigan provide the following in response to Gary Shaver's application for leave to appeal:

1. On September 25, 2024, the Michigan Court of Appeals issued a unanimous ruling that the decision in *People v Betts,* 507 Mich 527 (2021) regarding Michigan's Sex Offenders Registration Act (SORA) only applied prospectively, and not retroactively to cases final on direct review, and thus reversed the circuit court's decision. See slip op, p 1 ("that the court erred by concluding that *Betts* applied retroactively rather than prospectively."); *id.* at 9 ("On balance, we conclude that Michigan's standard for retroactive application of judicial decisions weighs against retroactive application of *Betts*. Therefore, we conclude that *Betts* applies prospectively, and those whose convictions were finalized before *Betts* was decided are not entitled to collateral relief.")

2. On October 30, 2024, Gary Shaver filed an application for leave from this decision.

3. The People contend that this opinion correctly ruled on the legal issue. See People's COA brief, attached. Thus, the application does not merit review under this Court rules for consideration, as it is not erroneous and does not conflict with a prior decision of this Court. See MCR 7.305(B)(5)(a), (b).

RECEIVED by MSC 11/26/2024 3:42:49 PM

CONCLUSION AND RELIEF REQUESTED

The People ask this Court to deny Shaver's application for leave to appeal.

Respectfully submitted,

Mark Reene
Tuscola County Prosecutor

/s/ B. Eric Restuccia

B. Eric Restuccia (P49550)
Deputy Solicitor General
Attorneys for the People
Solicitor General Division
P.O. Box 30212
Lansing, Michigan 48909
(517) 335-7628
RestucciaE@michigan.gov

Dated: November 26, 2024

WORD COUNT STATEMENT

This **answer in opposition** contains 219 words.

/s/ B. Eric Restuccia

B. Eric Restuccia (P49550)
Deputy Solicitor General
Attorneys for the People
Solicitor General Division
P.O. Box 30212
Lansing, Michigan 48909
(517) 335-7628
RestucciaE@michigan.gov