

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

TROY MICHAEL OMEY,

Defendant-Appellant.

UNPUBLISHED

August 6, 2009

No. 281580

Lenawee Circuit Court

LC No. 06-012287-FC

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

TROY MICHAEL OMEY,

Defendant-Appellant.

No. 281581

Lenawee Circuit Court

LC No. 06-012288-FC

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

TROY MICHAEL OMEY,

Defendant-Appellant.

No. 281582

Lenawee Circuit Court

LC No. 06-012289-FC

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

TROY MICHAEL OMEY,

No. 281583

Lenawee Circuit Court

LC No. 06-012292-FC

Defendant-Appellant.

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

TROY MICHAEL OMEY,

Defendant-Appellant.

No. 281584
Lenawee Circuit Court
LC No. 06-012293-FC

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

TROY MICHAEL OMEY,

Defendant-Appellant.

No. 281585
Lenawee Circuit Court
LC No. 06-012294-FC

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

TROY MICHAEL OMEY,

Defendant-Appellant.

No. 281586
Lenawee Circuit Court
LC No. 06-012295-FC

Before: Murray, P.J., and Gleicher and M.J. Kelly, JJ.

MURRAY, J. (*concurrency*).

I concur in the majority opinion. I write separately only to state two brief points. One, with respect to our reversal of four of defendant's CSC II convictions, the prosecutor's brief on appeal did not segregate out what evidence supported each particular charge, instead simply arguing that the testimony from the victims established that the criminal sexual conduct occurred repeatedly over a number of years. This has made it very difficult to search out the facts supporting (or not) the particular charges. See *People v Kevorkian*, 248 Mich App 373, 389; 639

NW2d 291 (2001). And, in arguing for affirmance, the prosecution relied only upon the concurring/dissenting opinion joined by two justices in *People v Nix*, 479 Mich 112, 143; 734 NW2d 548 (2007), and no other case. For this reason, and for that already stated by the majority, I concur in the partial reversal. Second, although I certainly appreciate the thoroughness of the majority opinion in addressing defendant's sentencing issues, I would not address those issues because, as the majority recognizes, defendant did not raise these issues in the trial court or, with respect to the ineffective assistance of counsel claim premised upon the alleged scoring errors, in the delayed application for leave to appeal. These issues are simply not properly before this Court, and so I would affirm the sentences without further elaboration.

/s/ Christopher M. Murray