

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

FOR PUBLICATION
November 6, 2014

V

LOIS BUTLER-JACKSON,

Defendant-Appellant.

No. 315591
Macomb Circuit Court
LC No. 2011-003482-FH

Before: Riordan, P.J., and Cavanagh and Talbot, JJ.

Riordan, P.J. (*concurring*).

I concur with the majority’s analysis and conclusions but add that the defendant and Brian Deloose did not conspire to commit a “legal act in an illegal manner” under MCL 750.157a. In fact, they may have done the opposite and conspired to commit illegal acts, in part through the use of MCL 333.2624(f).

The defendant was convicted of violating MCL 750.492A1A, the falsification of medical records, an illegal act. Deloose, also was convicted of falsifying medical records and of three counts of delivery or manufacture of marijuana in violation of MCL 333.7401(2)(d)(iii), also illegal acts. Based upon those underlying convictions, the defendant and Deloose may have conspired to commit those illegal acts and could have been more appropriately charged as conspiring under the “commit an offense prohibited by law” prong of MCL 750.157a.

In any event, since a failure to abide by the dictates of MCL 333.2624(f) is not an illegal act, it is not possible to use that statute as a basis for a charge of conspiring to commit a legal act in an illegal manner under MCL 750.157a.

/s/ Michael J. Riordan