

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

UNPUBLISHED
March 1, 2018

v

JAMES C. MULHOLLAND, JR.,
Defendant-Appellant.

No. 335078
Ingham Circuit Court
LC No. 15-001145-FH

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

THOMAS MULHOLLAND,
Defendant-Appellant.

No. 335218
Ingham Circuit Court
LC No. 15-001085-FH

Before: O'CONNELL, P.J., and BECKERING and STEPHENS, JJ.

STEPHENS, J. (*concurring in part and dissenting in part*).

I write separately only as to OV 10. While I agree that some pre-offense conduct occurred, I disagree as to the vulnerability of the victims. There is no evidence that the victims were physically weak, suffered any mental incapacity or emotional vulnerability. The defendants certainly victimized the complainants. They took money from them based upon lies and deception. However, the economic crime at issue requires the existence of a level of trust and familiarity between the victim and the perpetrator. The record does not reveal that the defendants exploited special knowledge regarding the victims' susceptibility to economic crime, nor the exploitation of an intimate relationship with the victims sufficient to justify assessment of

points under OV 10.

/s/ Cynthia Diane Stephens