

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

WILLIAM THOMAS BEEBE,

Defendant-Appellant.

UNPUBLISHED
February 7, 2013

No. 305890
Eaton Circuit Court
LC No. 11-020108-FC

Before: SHAPIRO, P.J., and GLEICHER and RONAYNE KRAUSE, JJ.

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

Judge Gleicher's concurrence raises valid questions as to the challenged evidentiary rulings, but like each of my colleagues, I agree that affirmance is proper. I write separately to note my concerns that the Legislature's prohibition against a judge imposing any minimum sentence less than 25 years violates the constitutional doctrine of separation of powers. See, Note, *Trial by Legislature: Why Statutory Mandatory Minimum Sentences Violate the Separation of Powers Doctrine*, 19 B.U. Pub. Int. L.J. 285(2010). This constitutional question should, however, be resolved in a case where the issue has been squarely raised and fully briefed.

/s/ Douglas B. Shapiro