

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT RILEY,

Petitioner,

v.

CASE NO. 04-CV-71573-DT
HONORABLE ARTHUR J. TARNOW

MARY BERGHUIS,

Respondent.

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**ORDER AMENDING THE COURT'S
DISPOSITIVE OPINION AND JUDGMENT**

On September 15, 2005, the Court entered an opinion and judgment granting Petitioner's application for the writ of habeas corpus. The opinion and judgment ordered the Michigan Supreme Court to reverse Petitioner's felony murder conviction and to remand Petitioner's case for entry of a judgment of conviction for larceny in a building and for sentencing on that conviction. The language directing the Michigan Supreme Court to reverse Petitioner's felony murder conviction is amended in both the dispositive opinion and the judgment to read: IT IS ORDERED that the Petition for Writ of Habeas Corpus is conditionally GRANTED. The State shall reduce Petitioner's conviction to larceny in a building in 90 days or the writ shall issue.

s/Arthur J. Tarnow
Arthur J. Tarnow
United States District Judge

Dated: October 3, 2005

I hereby certify that a copy of the foregoing document was served upon parties/counsel of record on October 3, 2005, by electronic and/or ordinary mail.

s/Catherine A. Pickles

Judicial Secretary