Court of Appeals, State of Michigan

ORDER

People of MI v Johnny Bonilla-Machado

Docket No. 287605

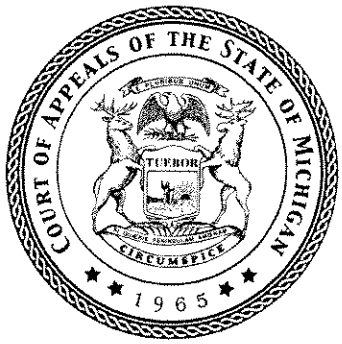
LC No. 08-013934-FH

William C. Whitbeck
Presiding Judge

Patrick M. Meter

Michael J. Kelly
Judges

The Court orders that the motion to remand is DENIED because it does not appear that an initial decision by the trial court or development of a further factual record is necessary for proper appellate review of the issues underlying the motion. See MCR 7.211(C)(1)(a). We note that by filing the motion to remand defendant has preserved his challenges to the scoring of offense variables 9 and 13 of the sentencing guidelines for appellate review, MCL 769.34(10); MCR 6.429(C), even though in the exercise of our discretion, *People v Hernandez*, 443 Mich 1, 15; 503 NW2d 629 (1993), we have decided to deny the motion.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

APR 2 3 2009
Date

Sandra Schultz Mengel
Chief Clerk