

# Court of Appeals, State of Michigan

## ORDER

People of MI v Frank Darrell Shivley

Docket No. 303323

LC No. 10-004876-FH

Michael J. Kelly  
Presiding Judge

Patrick M. Meter

Amy Ronayne Krause  
Judges

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The Court orders that the motion to remand is DENIED for failure to persuade the Court of the necessity of a remand at this time. Nevertheless, by bringing the motion to remand, defendant has preserved the issues he presents challenging the scoring of offense variable 2 and prior record variable 5 of the sentencing guidelines for full review by the case call panel. MCR 6.429(C); MCL 769.34(10). However, defendant's conclusory challenge to the scoring of offense variable 19 cannot reasonably be considered to present "an issue" within the meaning of MCR 6.429(C) and MCL 769.34(10) and, thus, does not preserve any claim that variable was improperly scored for review by the case call panel.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

DEC 02 2011

Date

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line. Below the line, the words "Chief Clerk" are printed.

Chief Clerk