

# Order

Michigan Supreme Court  
Lansing, Michigan

October 31, 2017

Stephen J. Markman,  
Chief Justice

152470

Brian K. Zahra  
Bridget M. McCormack  
David F. Viviano  
Richard H. Bernstein  
Joan L. Larsen  
Kurtis T. Wilder,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellant,

v

SC: 152470  
COA: 321573  
Wayne CC: 10-006933-FC

JAMES ANTHONY TERRELL,  
Defendant-Appellee.

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By order of May 25, 2016, the application for leave to appeal the September 29, 2015 judgment of the Court of Appeals was held in abeyance pending the decisions in *People v Steanhouse* (Docket No. 152849) and *People v Masroor* (Docket Nos. 152946-8). On order of the Court, the cases having been decided on July 24, 2017, 500 Mich 453 (2017), the application is again considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we REVERSE that part of the Court of Appeals judgment that remands this case to the Wayne Circuit Court for proceedings under *People v Lockridge*, 498 Mich 358 (2015). As the parties agree, the Court of Appeals erroneously concluded that relief is warranted under *Lockridge* even where the defendant's guidelines range was not enhanced by judicial fact-finding. See *Lockridge*, 498 Mich at 394-395. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining aspects of the question presented should be reviewed by this Court.

WILDER, J., did not participate because he was on the Court of Appeals panel.



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 31, 2017

Clerk