

Order

Michigan Supreme Court
Lansing, Michigan

February 20, 2018

Stephen J. Markman,
Chief Justice

155052 & (40)(45)(46)

Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Kurtis T. Wilder
Elizabeth T. Clement,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 155052
COA: 334768
St. Clair CC: 16-000731-FH

SHANE MICHAEL MOORE,
Defendant-Appellant.

By order of October 3, 2017, the prosecuting attorney was directed to answer the application for leave to appeal the November 2, 2016 order of the Court of Appeals. On order of the Court, the answer having been received, the application for leave to appeal is again considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals for consideration, as on leave granted, of whether the trial court erred when scoring Offense Variable (OV) 9, MCL 777.39, and OV 10, MCL 777.40. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court. The motions to appoint counsel and the motion to add issue and for vexatious proceedings are DENIED.



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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.

February 20, 2018

Clerk