

Order

Michigan Supreme Court
Lansing, Michigan

November 29, 2007

Clifford W. Taylor,
Chief Justice

133632 & (16)

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 133632
COA: 275598
Berrien CC: 2006-400863-FC

MAURICE ALAN VADEN,
Defendant-Appellant.

By order of September 26, 2007, the prosecuting attorney was directed to answer the application for leave to appeal the February 15, 2007 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 7.302(G)(1), in lieu of granting leave to appeal, we VACATE the sentence of the Berrien Circuit Court, and we REMAND this case to the trial court for resentencing. The prosecuting attorney concedes that the defendant should have been scored zero points for OV 9 in light of *People v Melton*, 271 Mich App 590 (2006), and that the defendant is entitled to resentencing. *People v Francisco*, 474 Mich 82 (2006). In all other respects, leave to appeal is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court.

We do not retain jurisdiction.



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I, Corbin R. Davis, 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.

November 29, 2007

Corbin R. Davis

Clerk