

# Order

Michigan Supreme Court  
Lansing, Michigan

April 28, 2010

Marilyn Kelly,  
Chief Justice

140187

Michael F. Cavanagh  
Elizabeth A. Weaver  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman  
Diane M. Hathaway,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 140187  
COA: 284983  
Tuscola CC: 07-010401-FH

JAMES HENRY TAYLOR,  
Defendant-Appellant.

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On order of the Court, the application for leave to appeal the October 27, 2009 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we VACATE the sentence of the Tuscola Circuit Court and we REMAND this case to the trial court for resentencing. For the reasons stated in the Court of Appeals dissenting opinion, the trial court erred in the scoring of OV 10. 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.



d0421

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.

April 28, 2010

*Corbin R. Davis*

Clerk