

# Order

Michigan Supreme Court  
Lansing, Michigan

June 28, 2011

Robert P. Young, Jr.,  
Chief Justice

142722

Michael F. Cavanagh  
Marilyn Kelly  
Stephen J. Markman  
Diane M. Hathaway  
Mary Beth Kelly  
Brian K. Zahra,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 142722  
COA: 301476  
Lapeer CC: 09-010178-FH

BENJAMIN DANIEL SHERMAN II,  
Defendant-Appellant.

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On order of the Court, the application for leave to appeal the January 14, 2011 order of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REMAND this case to the Lapeer Circuit Court for amendment of the Presentence Investigation Report. The defendant challenged certain statements in the Presentence Investigation Report at sentencing and in a motion to correct his sentence. The sentencing judge stated on the record that he did not take the challenged information into account in sentencing, but he did not direct the probation officer to correct or delete the information from the Presentence Investigation Report as required by MCR 6.425(E)(2)(a). The circuit court is further ORDERED to ensure that the amended Presentence Investigation Report is transmitted to the Department of Corrections. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining question presented should be reviewed by this Court.

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



h0620

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.

June 28, 2011

*Corbin R. Davis*

Clerk