

# Order

Michigan Supreme Court  
Lansing, Michigan

March 21, 2012

Robert P. Young, Jr.,  
Chief Justice

143996

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: 143996  
COA: 296932  
Calhoun CC: 2009-001269-FH

MARQUIS DEANGELO NELSON,  
Defendant-Appellant.

---

On order of the Court, the application for leave to appeal the July 19, 2011 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals with respect to guidelines scoring of Offense Variable 1, MCL 777.31, and Offense Variable 13, MCL 777.43, for the reasons stated in the Court of Appeals dissenting opinion, and we REMAND this case to the Calhoun Circuit Court for resentencing. The circuit court shall apply the preponderance of the evidence standard to its scoring decisions, and any review by the Court of Appeals shall be for clear error. *People v Osantowski*, 481 Mich 103 (2008). 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.



y0314

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.

March 21, 2012

*Corbin R. Davis*

Clerk