

Order

Michigan Supreme Court
Lansing, Michigan

May 21, 2012

Robert P. Young, Jr.,
Chief Justice

144506-7 & (46)

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: 144506-7
COA: 299917; 299918
Washtenaw CC: 09-001956-FH;
09-001957-FH

JAMIL WILLIAM THOMAS,
Defendant-Appellant.

On order of the Court, the motion for miscellaneous relief is GRANTED. The application for leave to appeal the December 13, 2011 judgment of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the question presented should be reviewed by this Court. The defendant pleaded guilty to four offenses, three of which were crimes against a person; thus, even if the conspiracy conviction is not counted, see *People v Bonilla-Machado*, 489 Mich 412 (2011), offense variable 13 was still correctly scored at 25 points for three crimes against a person within a five-year period.

YOUNG, C.J. (*concurring in part and dissenting in part*).

I concur in the Court's decision to deny defendant's application for leave to appeal because OV 13 was correctly scored at 25 points. I do not support the portion of the order that indicates defendant's conspiracy conviction was not a crime against a person for purposes of OV 13 for the reasons set forth in my dissenting opinion in *People v Bonilla-Machado*, 489 Mich 412, 441-450 (2011).



d0514

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.

May 21, 2012

Corbin R. Davis

Clerk