

Order

Michigan Supreme Court
Lansing, Michigan

April 24, 2009

Marilyn Kelly,
Chief Justice

137666

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: 137666
COA: 276816
Muskegon CC: 06-053122-FC

EARNEST LAMONT WARREN,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the September 18, 2008 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on whether to grant the application or take other preemptory action. MCR 7.302(G)(1). At oral argument, the parties shall address whether the trial court is obligated under the statutory sentencing guidelines to score all felonies or only the highest class felony. See *People v Mack*, 265 Mich App 122 (2005), *People v Johnigan*, 265 Mich App 463, 472 (2005), and MCL 777.21(2), as amended effective January 9, 2007. The parties may file supplemental briefs within 42 days of the date of this order, but they should not submit mere restatements of their application papers.



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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.

April 24, 2009

Corbin R. Davis

Clerk