

# Order

Michigan Supreme Court  
Lansing, Michigan

October 31, 2006

Clifford W. Taylor,  
Chief Justice

131046 & (36)

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 131046  
COA: 265073  
Oakland CC: 1994-136412-FC

FRANK C. RODRIGUEZ,  
Defendant-Appellant.

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On order of the Court, the motion to amend is GRANTED. The application for leave to appeal the April 11, 2006 order of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REMAND this case to the Oakland Circuit Court to determine whether the changes to the defendant's Presentence Investigation Report ordered by the circuit court at the defendant's December 12, 1997 sentencing hearing have been made and, if not, for the amendment of the report. In all other respects, leave to appeal is DENIED, because the defendant has failed to meet the burden of establishing entitlement to relief under MCR 6.508(D).

We do not retain jurisdiction.



d1023

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.

October 31, 2006

*Corbin R. Davis*

Clerk