

Order

Michigan Supreme Court
Lansing, Michigan

September 10, 2008

Clifford W. Taylor,
Chief Justice

136073

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: 136073
COA: 272547
Kent CC: 06-000997-FC

KEITH BURNELL DAVIS,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the January 29, 2008 judgment of the Court of Appeals is considered, and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we VACATE in part the judgment of the Court of Appeals, and we REMAND this case to the Kent Circuit Court for reconsideration of scoring offense variable 10, MCL 777.40, in light of this Court's decision in *People v Cannon*, 481 Mich 152 (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.

We do not retain jurisdiction.



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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.

September 10, 2008

Corbin R. Davis

Clerk