

Order

Michigan Supreme Court
Lansing, Michigan

February 1, 2008

Clifford W. Taylor,
Chief Justice

135126

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: 135126
COA: 269620
Wayne CC: 05-010643-01

CURTIS ANTHONY GOODMAN,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the August 28, 2007 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 the defendant's sentences, and we REMAND this case to the Wayne Circuit Court for resentencing under properly scored guidelines. *People v Kimble*, 470 Mich 305 (2004). The defendant should have been scored zero points for OV 11 where there was no record evidence to support a finding that any charged or uncharged criminal sexual penetration arose out of a sentencing offense. MCL 777.41(2)(a); *People v Johnson*, 474 Mich 96 (2006). 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.

CORRIGAN, J., not participating for the reasons stated in *People v Parsons*, order of the Supreme Court, entered March 6, 2007 (Docket No. 132975).



d0129

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.

February 1, 2008

Corbin R. Davis

Clerk