

# Order

Michigan Supreme Court  
Lansing, Michigan

April 28, 2009

Marilyn Kelly,  
Chief Justice

137890

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: 137890  
COA: 269999  
Wayne CC: 05-003753

ANTHONY LEE BAISDEN,  
Defendant-Appellant.

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On order of the Court, the application for leave to appeal the October 28, 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 Court of Appeals for reconsideration of the defendant's claims of sentencing error. On September 26, 2008, this Court reversed in part the judgment of the Court of Appeals and remanded this case to the Court of Appeals for consideration of the defendant's remaining issues. In a memorandum opinion, the Court of Appeals adopted the analysis of the dissenting opinion from its unpublished per curiam opinion issued March 4, 2008 (Docket No. 269999) for its resolution of the remaining issues. The court then affirmed the defendant's conviction and sentence. However, the dissenting opinion had determined that the defendant should be resentenced, finding that the trial court abused its discretion in departing from the sentencing guidelines because the reasons articulated for departure were not substantial and compelling, as required by MCL 769.34(3). The Court of Appeals affirmance of the defendant's sentence in its memorandum opinion is inconsistent with the determination that resentencing is required. 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.

April 28, 2009

*Corbin R. Davis*

Clerk