

Order

Michigan Supreme Court
Lansing, Michigan

September 6, 2011

Robert P. Young, Jr.,
Chief Justice

142868(43)

Michael F. Cavanagh
Marilyn Kelly
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellant,

v

SC: 142868
COA: 292529
Macomb CC: 2008-000791-FC

CORDARRELL ISIAH SIMS,
Defendant-Appellee.

On order of the Court, the motion for reconsideration of this Court's June 28, 2011 order is considered, and it is GRANTED. On reconsideration, we MODIFY our order dated June 28, 2011. For the reasons stated in that order, the Court of Appeals erred in ordering resentencing based on the scoring of Offense Variable 13 under MCL 777.43. But in addition to reversing, in part, the judgment of the Court of Appeals, we REMAND this case to the Court of Appeals for consideration of the issue raised by the defendant but not addressed by that court during its initial review of this case.

We do not retain jurisdiction.



h0829

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 6, 2011

Corbin R. Davis

Clerk