

Order

Michigan Supreme Court
Lansing, Michigan

October 30, 2015

Robert P. Young, Jr.,
Chief Justice

151048

Stephen J. Markman
Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Joan L. Larsen,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 151048
COA: 316553
Wayne CC: 12-010845-FC

ANTONIO TONY GLOSTER,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the December 30, 2014 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on whether to grant the application or take other action. MCR 7.305(H)(1). The parties shall file supplemental briefs within 42 days of the date of this order addressing whether the defendant was properly assigned 15 points for offense variable (OV) 10, MCL 777.40, for predatory conduct, and in particular, whether the scoring of OV 10 was proper based on the defendant's own conduct, or alternatively, based on the conduct of the defendant's accomplices. See MCL 767.39; cf. *People v Hunt*, 290 Mich App 317, 325-326 (2010) (conviction not based on aiding and abetting), cited in *People v Hardy*, 494 Mich 430, 442 n 32 (2013). The parties should not submit mere restatements of their application papers.

The Prosecuting Attorneys Association of Michigan and the Criminal Defense Attorneys of Michigan are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issue presented in this case may move the Court for permission to file briefs amicus curiae.



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I, Larry S. Royster, 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 30, 2015


Clerk