

Order

Michigan Supreme Court
Lansing, Michigan

February 7, 2020

Bridget M. McCormack,
Chief Justice

160285

David F. Viviano,
Chief Justice Pro Tem

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

Stephen J. Markman
Brian K. Zahra
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh,
Justices

v

SC: 160285
COA: 343547
Kent CC: 17-000001-FC

JAVIER CANO-MONARREZ,
Defendant-Appellant.


On order of the Court, the application for leave to appeal the July 30, 2019 judgment of the Court of Appeals is considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals as to the scoring of Offensive Variable (OV) 17, and we REMAND this case to the Kent Circuit Court for resentencing. The prosecuting attorney has conceded that the trial court erred in scoring OV 17, MCL 777.47. Because correcting the OV score would change the applicable guidelines range, resentencing is required. *People v Francisco*, 474 Mich 82 (2006). In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining question presented should be reviewed by this Court.



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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.

February 7, 2020


Clerk