

Order

Michigan Supreme Court
Lansing, Michigan

May 29, 2015

Robert P. Young, Jr.,
Chief Justice

147675

Stephen J. Markman
Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 147675
COA: 309245
Livingston CC: 10-018981-FH

GORDON BENJAMIN WILDING,
Defendant-Appellant.

On April 2, 2014, the Court heard oral argument on the application for leave to appeal the July 16, 2013 judgment of the Court of Appeals. By order of March 25, 2015, we directed supplemental briefing. On order of the Court, the application is again considered. MCR 7.302(H)(1). In lieu of granting leave to appeal, we VACATE those parts of the Court of Appeals judgment holding that offense variable 8 (MCL 777.38(1)(a)) and offense variable 10 (MCL 777.40(1)(a)) were scored correctly, and that trial counsel was not ineffective for failing to object to the scoring of those variables. We REMAND this case to the Livingston Circuit Court for an evidentiary hearing, pursuant to *People v Ginther*, 390 Mich 436 (1973), as to whether the defendant's trial counsel was ineffective for failing to object to the scoring of OV's 8 and 10. 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.



t0526

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.

May 29, 2015


Clerk