



08/28/87 PEOPLE STATE MICHIGAN v. DANIEL JOE KELLER

410 N.W.2d 281 (1987) | Cited 0 times | Michigan Supreme Court | August 28, 1987

On order of the Court, the application for leave to appeal is considered and, pursuant to MCR 7.302(F)(1), in lieu of granting leave to appeal, we VACATE the judgment of the Court of Appeals and we REVERSE the order in which the Court of Appeals denied the defendant's motion to remand. Since the defendant's timely motion identified issues sought to be reviewed on appeal which should initially be decided by the trial Judge, the Court of Appeals clearly erred in failing to grant the motion to remand to the trial court. MCR 7.211(C)(1). *People v. Walker*, 428 Mich (6/22/87). We REMAND this case to the Court of Appeals which shall, while retaining jurisdiction, remand this case to the Cheboygan Circuit Court for a hearing on defendant's claim that the guidelines were improperly scored and that the presentence report should have been corrected.

We do not retain jurisdiction.

DOROTHY COMSTOCK RILEY, Chief Justice, CHARLES L. LEVIN, JAMES H. BRICKLEY, MICHAEL F. CAVANAGH, PATRICIA J. BOYLE, DENNIS W. ARCHER, and ROBERT P. GRIFFIN, Associate Justices.

