

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MARQUIS DEANGELO NELSON,

Defendant-Appellant.

UNPUBLISHED

July 19, 2011

No. 296932

Calhoun Circuit Court

LC No. 09-001269-FH

Before: MARKEY, P.J., and FITZGERALD and SHAPIRO, JJ.

FITZGERALD, J. (*concurring in part and dissenting in part*).

I agree with the analysis of Offense Variable 1 in Judge Shapiro's concurring in part and dissenting in part opinion. However, because a reduction of five points from defendant's OV score would not result in a change in the sentencing guidelines, I would not remand for resentencing. In all other respects, I concur in the majority opinion.

/s/ E. Thomas Fitzgerald