MSC Order List: April 8, 2011

12. April 2011 By Layla Kuhl

The Michigan Supreme Court granted one application for leave to appeal and denied two applications for leave, four motions for reconsideration, and one motion for rehearing. The Court also declined to answer one certified question.

In *People v Cooley*, the Court granted leave to consider whether offense variable (OV) 19 was properly scored at 10 points under MCL 777.49(c), because the defendant "interfered with or attempted to interfere with the administration of justice," based on his conduct in throwing away evidence and denying guilt. Defendant was convicted of possession of less than 25 grams of cocaine, MCL 333.7403(2)(a)(v). His conviction arose from a traffic stop in which he was the front seat passenger. Defendant exited the car, but immediately complied when he was told to get back in the vehicle. The police found a cigarette pack containing a rock of cocaine near where defendant had exited the vehicle. Defendant had three loose cigarettes in his pocket, but denied that he owned the cigarette pack and requested that it be finger printed. The Court of Appeals affirmed the trial court's scoring of 10 points for offense variable 19, reasoning that "defendant engaged in self-serving deception aimed at diverting suspicion onto other passengers in the car when he threw the cocaine out of the car window or dropped it after exiting the car, denied ownership, and requested fingerprint analysis." The Court invited the Criminal Defense Attorneys of Michigan and the Prosecuting Attorneys Association of Michigan to file amicus briefs.