

MSC Order List: October 20, 2010

[21. October 2010 By Madelaine Lane](#)

On Wednesday, October 20, 2010, the Michigan Supreme Court denied eleven applications for leave to appeal and vacated its April 16, 2010 order denying the application for leave to appeal in *Harris v. General Motors Corporation*, Case No. 140241. The court clerk was directed to schedule oral argument on whether to grant the *Harris* application or take other preemptory action.

In *People v. Sparks*, Case No. 141344, the Court directed the Lenawee County Prosecutor to answer the following questions regarding the defendant's application for leave to appeal: 1) whether when the defendant pleads guilty under *People v. Cobbs*, 443 Mich. 276, 283 (1983) in exchange for the trial court's agreement to sentence him within the sentencing guideline range, and the trial court thereafter sentences him above the applicable guideline range, the defendant is entitled to withdraw his guilty plea or to seek resentencing with the court; 2) whether the defendant is entitled to remand for a determination of whether his sentencing guideline range was accurately scored; and, 3) whether the defendant's offense variables for his felon in possession of a firearm conviction were inaccurately scored in light of *People v. McGraw*, 484 Mich. 120 (2009). Our blog post discussing the *McGraw* decision can be found [here](#). Justice Davis did not participate in this decision as he was on the Court of Appeals panel in this case.

Finally, the Court remanded the case of *Neville v. Neville*, Case No. 140840, to the Court of Appeals for consideration of that court's February 16, 2010 decision as on leave granted. On remand, the Court directed that the Court of Appeals should consider whether it correctly held: 1) that the parties' November 14, 1994 Judgment of Divorce limited the plaintiffs' survivorship benefit to a proportionate benefit based on the parties' years of marriage; 2) that the Judgment of Divorce conflicted with the Qualified Domestic Relations Order ("QDRO") agreed upon by the parties and that the terms of the Judgment of Divorce should control the terms of the QDRO; and, 3) that the defendant's motion to amend the QDRO was not time-barred.