

# Order

Michigan Supreme Court  
Lansing, Michigan

September 23, 2022

Bridget M. McCormack,  
Chief Justice

164243

Brian K. Zahra  
David F. Viviano  
Richard H. Bernstein  
Elizabeth T. Clement  
Megan K. Cavanagh  
Elizabeth M. Welch,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 164243  
COA: 353119  
Kent CC: 19-003225-FC

STEVEN LEE MONTEZ,  
Defendant-Appellant.

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On order of the Court, the application for leave to appeal the March 10, 2022 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on the application. MCR 7.305(H)(1). The parties shall address: (1) whether references to acquitted conduct in the defendant's presentence investigation report (PSIR) violated his right not to be sentenced on the basis of conduct of which he was acquitted, as articulated in *People v Beck*, 504 Mich 605 (2019); and (2) whether the defendant's trial attorney rendered ineffective assistance by failing to object to the references to acquitted conduct in the PSIR.

We further ORDER the Kent Circuit Court, in accordance with Administrative Order 2003-03, to determine whether the defendant is indigent and, if so, to appoint counsel to represent the defendant in this Court.

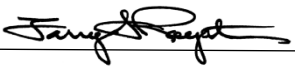
The Prosecuting Attorneys Association of Michigan and the Criminal Defense Attorneys of Michigan are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.



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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.

September 23, 2022

  
Clerk