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STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN, Plaintiff-Appellee,	UNPUBLISHED November 18, 2026 11:50 AM
v	No. 375852 Livingston Circuit Court
JAZZMINE CYMONE SCOTT, Defendant-Appellant.	LC No. 2024-028556-FH

Before: M. J. KELLY, P.J., and RIORDAN and RICK, JJ.

PER CURIAM.

Defendant appeals by leave granted[1] her sentences following her plea-based convictions of organized retail crime, MCL 752.1084, and uttering and publishing counterfeit notes, MCL 750.253, challenging the trial court's assessment of 10 points for offense variable (OV) 14, MCL 777.44. Because the trial court reasonably inferred from the evidence of the entire criminal transaction that defendant was a leader in the multiple-offender situation, we affirm.

I. FACTUAL BACKGROUND

In August 2023, defendant and two other people, Laquetta McKay and an unidentified man, entered a Bath & Body Works store in Howell Township, Michigan. The man purchased merchandise for $980 using 49 counterfeit $20 bills. In a separate transaction, defendant purchased merchandise for $520 using 24 counterfeit $20 bills and two genuine $20 bills. Surveillance footage showed McKay selecting merchandise and handing it to defendant for purchase. The three then traveled to a Bath & Body Works store in Novi, Michigan, where they attempted to return the merchandise. Defendant and McKay were arrested after the group attempted to flee from police.

[1] Our Supreme Court remanded this matter to this Court for consideration as on leave granted, directing us to "consider, in particular, whether the trial court erroneously assigned 10 points to Offense Variable 14 (offender's role), MCL 777.44(1)(a), for being a leader in a multiple offender situation." *People v Scott*, ___ Mich ___; 28 NW3d 707 (2025) (Docket No. 168972).

McKay told police that she was to be paid to drive defendant and the unidentified man to the store. She denied knowing that the purchases involved counterfeit currency, stated that she did not know the unidentified man, and acknowledged helping carry the merchandise. The record does not identify who recruited McKay or promised to pay her for driving, supplied the counterfeit bills, or planned the purchases and attempted returns. Defendant acknowledged using counterfeit money and explained that she stole to obtain money for drugs.

Defendant pleaded guilty to organized retail crime and uttering and publishing, with a third-offense habitual-offender enhancement, MCL 769.11. The plea included a *Cobbs*[2] agreement for a sentence within the guidelines. At sentencing, defendant objected to the assessment of 10 points for OV 14, arguing that the record did not establish that she led the other participants. The prosecution relied on McKay's statement and the disparity between McKay's criminal history and defendant's extensive record of retail-fraud offenses.

The trial court acknowledged that it was difficult to determine "who led who," but concluded that defendant was a leader because she was an experienced thief who knew what she was doing, particularly in comparison with McKay, who had no prior criminal record. The court assessed 10 points for OV 14 and sentenced defendant to concurrent terms of 36 months to 10 years' imprisonment. This appeal followed.

II. ANALYSIS

Defendant argues that the trial court improperly assessed 10 points for OV 14 because her criminal history and participation in the offense did not establish that she led the other offenders. We disagree.

"Under the sentencing guidelines, the circuit court's factual determinations are reviewed for clear error and must be supported by a preponderance of the evidence." *People v Hardy*, 494 Mich 430, 438; 835 NW2d 340 (2013). "Whether the facts, as found, are adequate to satisfy the scoring conditions prescribed by statute, i.e., the application of the facts to the law, is a question of statutory interpretation, which an appellate court reviews de novo." *Id.* A finding is clearly erroneous when this Court is left with a definite and firm conviction that a mistake has been made. *People v Vaughn*, 344 Mich App 539, 549; 1 NW3d 414 (2022).

Under MCL 777.44(1)(a), 10 points are assessed for OV 14 when "[t]he offender was a leader in a multiple offender situation"; otherwise, zero points are assessed. MCL 777.44(1)(b). When scoring OV 14, "[t]he entire criminal transaction should be considered," MCL 777.44(2)(a), and "[i]f 3 or more offenders were involved, more than 1 offender may be determined to have been a leader," MCL 777.44(2)(b). Although the statute does not define "leader," this Court has explained that a leader is "a guiding or directing head" and that "[t]o 'lead' is defined in relevant part as, in general, guiding, preceding, showing the way, directing, or conducting." *People v Rhodes (On Remand)*, 305 Mich App 85, 90; 849 NW2d 417 (2014) (citation omitted). Accordingly, "for purposes of an OV 14 analysis, a trial court should consider whether the defendant acted first or gave directions or was otherwise a primary causal or coordinating agent."

[2] *People v Cobbs*, 443 Mich 276; 505 NW2d 208 (1993).

People v Baskerville, 333 Mich App 276, 300; 963 NW2d 620 (2020) (quotation marks and citation omitted). A sentencing court may draw reasonable inferences from objective evidence when scoring an offense variable. *People v Dickinson*, 321 Mich App 1, 23; 909 NW2d 24 (2017). Nevertheless, those inferences must support the scoring decision by a preponderance of the evidence. *Hardy*, 494 Mich at 438.

The record supports the trial court's determination that defendant occupied a leadership role in the transaction. McKay told police that she was recruited and paid to drive defendant and the unidentified man, that she did not know the man, and that she did not know the purchases involved counterfeit currency. Defendant, by contrast, admitted knowing that the currency was counterfeit and explained that she stole to obtain money for drugs. Surveillance footage also showed McKay selecting merchandise and handing it to defendant, who used counterfeit bills to purchase the items. Although that footage does not show defendant expressly directing McKay, the trial court could reasonably infer from their respective roles and different levels of knowledge that defendant guided McKay's participation in the fraudulent purchases. See *Dickinson*, 321 Mich App at 23.

The trial court also relied on defendant's extensive history of retail-fraud and related offenses, particularly in comparison with McKay's lack of a criminal record. Defendant contends that her criminal history does not establish that she directed another participant, but the court was entitled to consider the record evidence and draw reasonable inferences from it. See *id*. Defendant's prior experience, standing alone, would not necessarily establish leadership. But when considered alongside her knowing use of counterfeit money, her stated motivation for obtaining cash, and McKay's recruitment, comparatively limited knowledge, and supporting role, defendant's experience supports the inference that she guided or coordinated McKay's participation in the scheme. The court was not required to identify a particular verbal instruction by defendant before finding that she was a leader. See *Rhodes*, 305 Mich App at 90; *Baskerville*, 333 Mich App at 300.

Nor does the possibility that the unidentified man organized or directed aspects of the transaction require a different result. Defendant emphasizes that the evidence does not identify who supplied the counterfeit bills, planned the purchases, recruited McKay, or promised to pay her. But OV 14 does not require proof that defendant initiated or controlled every aspect of the scheme. The statute expressly permits more than one leader when three or more offenders are involved. MCL 777.44(2)(b). Because the transaction involved defendant, McKay, and the unidentified man, the trial court could find defendant to be a leader even if the man also exercised leadership. The relevant inquiry is whether defendant was a leader, not whether she was the only or principal leader.

Defendant's reliance on the absence of direct evidence of instructions does not make the trial court's finding clearly erroneous. In *Rhodes*, this Court concluded that the defendant's exclusive possession of a firearm did not, by itself, adequately establish leadership in the criminal transaction. *Rhodes*, 305 Mich App at 90. Here, however, the trial court considered defendant's familiarity with retail fraud, her knowledge of the counterfeit currency, her conduct in making the fraudulent purchases, and McKay's recruitment and role in assisting defendant while the former was apparently unaware of the counterfeit bills. Taken together, these circumstances support a finding, by a preponderance of the evidence, that defendant acted as a leader in a multiple-offender

situation. See *Baskerville*, 333 Mich App at 300; *Hardy*, 494 Mich at 438. Accordingly, the trial court did not clearly err by assessing 10 points for OV 14. See MCL 777.44(1)(a).

Affirmed.

/s/ Michael J. Kelly
/s/ Michael J. Riordan
/s/ Michelle M. Rick