

**Notes about precedent cited in this document:**

- **Partially reversed, overruled, or vacated Court of Appeals opinions.** For information on the precedential value of an opinion with negative subsequent history, see our [note](#).
- **Unpublished Court of Appeals opinions.** Unpublished opinions are not precedentially binding under the rule of stare decisis. [MCR 7.215\(C\)\(1\)](#).

**Offense Variable 19\***  
**Circumstances Warranting a Score of 25, 15, 10, or 0 Points**

Affirmative Act	Score	Case
Unlawful possession of a cellular telephone within the confines of a penal institution	25	<i>People v Dixon</i> , ___ Mich App ___, ___ (2020)
Attempting, while in jail awaiting sentencing, to smuggle controlled substances into jail, and attacking another inmate in retaliation for informing authorities of the smuggling scheme	25	<i>People v Carpenter</i> , 322 Mich App 523, 528-531 (2018)
Bringing a dangerous controlled substance (heroin) into a prison and delivering it to a prisoner	25	<i>People v Dickinson</i> , 321 Mich App 1, 23-24 (2017)
Attempting, during booking process at jail, to avoid strip search and to conceal drugs that were on offender’s person at time of arrest but not discovered until after transport to jail	25	<i>People v Bragg</i> , unpublished per curiam opinion of the Court of Appeals, issued September 12, 2013 (Docket No. 310200), slip op pp 7-8, rev’d in part on other grounds 498 Mich 900 (2015)

\* This chart was prepared for purposes of the Michigan Judicial Institute’s New Judges Seminar, January 11, 2017.

**Offense Variable 19\***  
**Circumstances Warranting a Score of 25, 15, 10, or 0 Points**

Creating distraction in courtroom by coughing and laughing in order to allow codefendant to arm himself with a pen, and engaging in altercation with courtroom deputies	25	<i>People v Campbell</i> , unpublished per curiam opinion of the Court of Appeals, issued October 18, 2016 (Docket Nos. 327059; 327060; 327061), slip op pp 21-22
Attacking courtroom deputies and causing chaotic fray after jury delivered guilty verdicts	25	<i>People v Dye</i> , unpublished per curiam opinion of the Court of Appeals, issued December 14, 2017 (Docket No. 334062), slip op pp 6-7
Fleeing from police on foot and breaking and entering a stranger's camper for the purpose of hiding from police	15	<i>People v Smith</i> , 318 Mich App 281 (2016)
Resisting apprehension by private citizens (e.g., store employees/security personnel) with threat of force	15	<i>People v Passage</i> , 277 Mich App 175, 181 (2007)
Witness intimidation after completion of offense	15 (with force/threat of force)  10 (without force/threat of force)	<i>People v Smith</i> , 488 Mich 193, 200-202 (2010)
Threatening victim with death to inhibit crime reporting	15	<i>People v Endres</i> , 269 Mich App 414, 420-422 (2006), overruled in part on other grounds by <i>People v Hardy</i> , 494 Mich 430, 438 n 18 (2013), effectively superseded in part on other grounds by 2015 PA 137, effective January 5, 2016
Providing false name during traffic stop	10	<i>People v Barbee</i> , 470 Mich 283, 284, 288 (2004)
Perjury (where sentencing offense is perjury)	10	<i>People v Underwood</i> , 278 Mich App 334, 339-340 (2008)

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Defying order to freeze and fleeing from police	10	<i>People v Ratcliff</i> , 299 Mich App 625, 632-633 (2013), vacated in part on other grounds 495 Mich 876 (2013)
Evading police	10	<i>People v Cook</i> , 254 Mich App 635, 637, 640-641 (2003), overruled in part on other grounds by <i>People v McGraw</i> , 484 Mich 120, 133 n 42 (2009)
Running from police, six days after sentencing offense, during a traffic stop, where police stopped defendant to arrest him for several break-ins, including sentencing offense	10	<i>People v Wade-Bey</i> , unpublished per curiam opinion of the Court of Appeals, issued January 11, 2018 (Docket No. 335045)
Concealing/destroying/disposing of weapon and evidence of the crime	10	<i>People v Ericksen</i> , 288 Mich App 192, 204 (2010); <i>People v Brown</i> , unpublished per curiam opinion of the Court of Appeals, issued October 20, 2011 (Docket No. 299496), p 2; <i>People v McKewen</i> , 326 Mich App 342, 358 (2018)
Requiring victim to promise not to report crime as condition of release	10	<i>People v McDonald</i> , 293 Mich App 292, 299-301 (2011)
Telling a victim or witness not to disclose the defendant's conduct	10	<i>People v Hershey</i> , 303 Mich App 330, 344 (2013); <i>People v McDonald</i> , 293 Mich App 292, 299-301 (2011); <i>People v Steele</i> , 283 Mich App 472, 492 (2009)
Actively lying to police	10	<i>People v Jackson</i> , unpublished per curiam opinion of the Court of Appeals, issued October 1, 2009 (Docket No. 285285), slip op p 5-6
Hiding in closet to avoid police detection	10	<i>People v Spangler</i> , unpublished per curiam opinion of the Court of Appeals, issued May 22, 2007 (Docket No. 266078), slip op p 8
Concealing drugs and cash on defendant's person during search of premises, and telling police that he was unemployed and that the drugs were not his	10	<i>People v Hudson</i> , unpublished per curiam opinion of the Court of Appeals, issued December 19, 2017 (Docket No. 333727), slip op pp 3-4
Fleeing jurisdiction (absconding)	10	<i>People v Vallance</i> , unpublished per curiam opinion of the Court of Appeals, issued October 16, 2003 (Docket No. 242163), slip op pp 5-6

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Fleeing jurisdiction (absconding) and changing name	10	<i>People v Waller</i> , unpublished per curiam opinion of the Court of Appeals, issued June 14, 2011 (Docket No. 297639), slip op p 5
Moving the victim’s body in an attempt to dispose of/conceal it, moving the victim’s car, getting rid of the gun, and encouraging the other person involved to tell the police she did not know anything about the incident.	10	<i>People v Baskerville</i> , ___ Mich App ___, ___ (2020)
Lying to medical personnel	0	<i>People v Portellos</i> , 298 Mich App 431, 450-451 (2012), overruled in part on other grounds by <i>People v Calloway</i> , 500 Mich 180, 187, 188 (2017)
Failing to pay child support	0	<i>People v Hershey</i> , 303 Mich App 330, 342, 345 (2013)
Fact that commission of sentencing offense constituted parole violation	0	<i>People v Sours</i> , 315 Mich App 346, 349-350 (2016)
Fact that commission of sentencing offense constituted probation violation	0	<i>People v Hershey</i> , 303 Mich App 330, 345-346 (2013)
Failing to register as a sex offender	0	<i>People v Welch</i> , unpublished per curiam opinion of the Court of Appeals, issued August 14, 2014 (Docket Nos. 315782; 316029), slip op pp 1-2
Flight from scene, unrelated to police or imminent arrival of police (e.g., to avoid further confrontation with victim)	0	<i>People v Brown</i> , unpublished per curiam opinion of the Court of Appeals, issued August 13, 2013 (Docket No. 313306), slip op pp 3-4
Drastic change in appearance after offense (without evidence of intention to prevent identification)	0	<i>People v Arney</i> , unpublished per curiam opinion of the Court of Appeals, issued March 20, 2003 (Docket No. 236875), slip op p 3