Court of Appeals, State of Michigan

ORDER

People of MI v Phillip Vito Cardella

Docket No. 259424

LC No. 03-007680-FH

David H. Sawyer
Presiding Judge

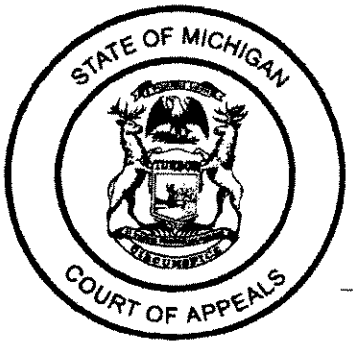
Jane E. Markey

Michael R. Smolenski
Judges

The Court orders that the delayed application for leave to appeal is DENIED as to Issue I for lack of merit in the grounds presented.

Pursuant to MCR 7.205(D)(2), in lieu of granting the delayed application for leave to appeal as to Issue II, the matter is REMANDED to the trial court to correct the Presentence Investigation Report as specified on the record at defendant's sentencing on December 16, 2003. The trial court shall give defense counsel an opportunity to review the corrected Presentence Investigation Report before sending the report to the Department of Corrections.

We do not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

FEB 23 2005
Date

Sandra Schultz Mengel
Chief Clerk