

Court of Appeals, State of Michigan

ORDER

People of MI v David Dean McClue

Docket No. 300526

LC No. 2009-230009-FH

Brian K. Zahra
Presiding Judge

Christopher M. Murray

Karen Fort Hood
Judges

In lieu of granting defendant's delayed application for leave to appeal, we VACATE the judgment of sentence and REMAND for resentencing. The trial court improperly considered defendant's status on bond in departing from the sentencing guidelines because prior record variable 6 already accounts for that status. In addition, the trial court failed to otherwise state substantial and compelling reasons to justify a departure from the guidelines.

We do not retain jurisdiction.



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

NOV 24 2010

Date

Sandra Schultz Mengel
Chief Clerk