

# Court of Appeals, State of Michigan

## ORDER

People of MI v Todd Deshun Stephens

Docket No. 301006

LC No. 2009-004558-FC

Joel P. Hoekstra  
Presiding Judge

David H. Sawyer

Jane M. Beckering  
Judges

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Pursuant to MCR 7.205(D)(2), in lieu of granting the delayed application for leave to appeal, the Court REMANDS for resentencing because Offense Variables 1 and 2 were incorrectly scored. The correct score for both of those variables is zero points, *People v Johnston*, 478 Mich 903; 732 NW2d 531 (2007). Resentencing is required because the scoring error altered the guidelines range and because defendant preserved his challenge to the scoring errors through a motion for resentencing. *People v Francisco*, 474 Mich 82, 89-92; 711 NW2d 44 (2006). The delayed application for leave to appeal is DENIED in all other respects for lack of merit in the grounds presented. We do not retain jurisdiction.



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

JAN 05 2011

Date

*Sandra Schultz Mengel*  
Chief Clerk