

Court of Appeals, State of Michigan

ORDER

People of MI v Mahdi Babji Howard

Docket No. 303528

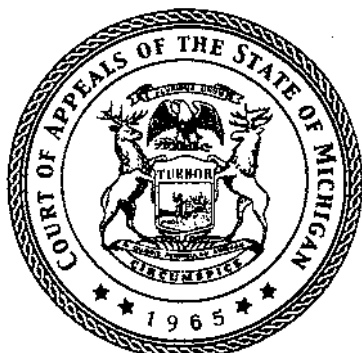
LC No. 10-008099-01-FH

Douglas B. Shapiro
Presiding Judge

Joel P. Hoekstra

Jane E. Markey
Judges

Pursuant to MCR 7.205(D)(2), in lieu of granting the delayed application for leave to appeal, the Court VACATES the September 23, 2010 judgment of sentence and REMANDS this case for resentencing as the sentence imposed exceeded the guidelines range and the sentencing court did not set forth substantial and compelling reasons. In the event the sentencing court departs from the guidelines range, the court must state on the record substantial and compelling reasons to justify its departure, see *People v Babcock*, 469 Mich 247; 666 NW2d 231 (2003), and explain why the sentence imposed is more proportionate than a sentence within the guidelines recommendation would have been, *People v Smith*, 482 Mich 292, 304; 754 NW2d 284 (2008). This order has immediate effect. MCR 7.215(F)(2). We do not retain jurisdiction.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

JUN -3 2011

Date


Chief Clerk