

# Court of Appeals, State of Michigan

## ORDER

People of MI v Richard Kevin Schreiber

Docket No. 306330

LC No. 07-010413-FH

Michael J. Talbot  
Presiding Judge

Christopher M. Murray

Cynthia Diane Stephens  
Judges

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Pursuant to MCR 7.205(D)(2), in lieu of granting leave to appeal, we VACATE the April 15, 2011, judgment of sentence and REMAND for resentencing. Pursuant to MCL 769.34(4)(a), defendant's sentencing guidelines range of 0-17 months required that defendant be sentenced to an intermediate sanction of a jail term not exceeding 12 months absent a substantial and compelling reason for imposing a greater sanction and the trial court failed to articulate a substantial and compelling reason for sentencing defendant to 32-48 months in prison. On remand, the trial court shall sentence defendant to an intermediate sanction or articulate on the record a substantial and compelling reason for departing from the sentence guidelines range in accordance with *People v Babcock*, 469 Mich 247; 666 NW2d 231 (2003). We do not retain jurisdiction.

Stephens, J., would deny the delayed application for leave to appeal.



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

NOV 03 2011

Date

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line. Below the line, the words "Chief Clerk" are printed.

Chief Clerk