

# Court of Appeals, State of Michigan

## ORDER

People of MI v Phillip Dewayne Willms

Docket No. 306933

LC No. 10-010220-FH

Jane M. Beckering  
Presiding Judge

David H. Sawyer

William B. Murphy, C. J.  
Judges

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The motion for immediate consideration is GRANTED.

Pursuant to MCR 7.205(D)(2), and in lieu of granting the delayed application for leave to appeal, the Court GRANTS the motion for peremptory reversal. The trial court abused its discretion when it assigned 10 points to Offense Variable 13 by relying on criminal offenses committed beyond the 5-year five-year period that encompasses the sentencing offense. *People v Price*, 477 Mich 1, 5 n 2; 723 NW2d 201 (2006); *People v Francisco*, 474 Mich 82, 87; 711 NW2d 44 (2006). This matter is REMANDED to the Cass Circuit Court for rescoring of the guidelines and resentencing. On remand, either party shall be entitled to raise any issue affecting sentencing. This order has immediate effect. MCR 7.215(F)(2). The Court retains no further jurisdiction.



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

JAN - 5 2012

Date

  
Chief Clerk