

Court of Appeals, State of Michigan

ORDER

People of MI v Zamarr Clipper II

Docket No. 307637

LC No. 10-008875-01-FH

William B. Murphy, C.J.
Presiding Judge

Jane E. Markey

Jane M. Beckering
Judges

Pursuant to MCR 7.205(D)(2), in lieu of granting the delayed application for leave to appeal, the Court VACATES the August 26, 2011 judgment of sentence and REMANDS this case for resentencing within the statutory guidelines range. In the event the sentencing court departs from such 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; 754 NW2d 284 (2008). In all other regards, the delayed application for leave to appeal is DENIED. The motion to remand is DENIED as MOOT. This order is to have 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

FEB - 8 2012

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