

# Court of Appeals, State of Michigan

## ORDER

People of MI v Rocky Allen Morgan

Docket No. 308128

LC No. 2011-001121-FH

Kurtis T. Wilder  
Presiding Judge

Kirsten Frank Kelly

Michael J. Riordan  
Judges

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The Court orders that defendant's sentence of 10 to 30 years in prison for second-degree home invasion, MCL 750.110a(3), is VACATED and this case is REMANDED to the trial court for resentencing on that conviction for the reason that Offense Variable 13, MCL 777.43, was erroneously scored at 25 points. Correction of the error alters the sentencing guidelines and necessitates resentencing. *People v Francisco*, 474 Mich 82; 711 NW2d 44 (2006). In all other respects the delayed application for leave to appeal is DENIED for lack of merit in the grounds presented.

The motion to remand is DENIED for failure to persuade of the necessity of a remand at this time.



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

**MAY 31 2012**

Date

  
Chief Clerk