

Court of Appeals, State of Michigan

ORDER

People of MI v Steven Lawrence Page

Docket No. 313369

LC No. 11-036194-FH

Joel P. Hoekstra
Presiding Judge

William B. Murphy, C. J.

Douglas B. Shapiro
Judges

The Court orders that defendant's motion to file a supplemental brief is GRANTED. The Standard 4 supplemental brief received on December 18, 2012 is accepted for filing.

Pursuant to MCR 7.205(D)(2), in lieu of granting the delayed application for leave to appeal, the Court VACATES defendant's sentence. The trial court abused its discretion when it assigned 25 points to Offense Variable 13 where the record does not reflect three or more crimes against persons within a five-year period. MCL 777.43(1)(c). This matter is REMANDED to the Saginaw Circuit Court for the rescoring of OV 13 as 10 points and resentencing. *People v Francisco*, 474 Mich 82; 711 NW2d 44 (2006); MCL 777.43(1)(d). In all other respects the delayed application for leave to appeal is DENIED for lack of merit in the grounds presented. This order has immediate effect. MCR 7.215(F)(2). We do not retain jurisdiction.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

SEP 12 2013

Date


Chief Clerk