

Court of Appeals, State of Michigan

ORDER

People of MI v James David Gurley

Docket No. 315330

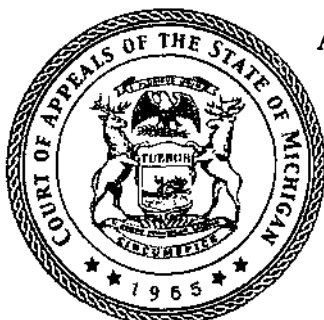
LC No. 13-000153-FH

Joel P. Hoekstra
Presiding Judge

William B. Murphy, C. J.

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 January 28, 2013 judgment of sentence and REMANDS this case for the scoring of the statutory sentencing guidelines, MCL 777.21, and resentencing. If the terms of the *Cobbs* agreement constitute a downward departure from the sentencing guidelines range, and if, on resentencing, the trial court cannot articulate substantial and compelling reasons for a departure from the guidelines, see *People v Babcock*, 469 Mich 247; 666 NW2d 231 (2003), or justify the extent of the agreed departure, *People v Smith*, 482 Mich 292, 304; 754 NW2d 284 (2008), the court shall permit defendant to withdraw his plea, *People v Cobbs*, 443 Mich 276, 283; 505 NW2d 208 (1993). This order has immediate effect. MCR 7.215(F)(2). We do not retain jurisdiction.



A true copy entered and certified by Angela P. DiSessa, Acting Chief Clerk, on

JUL 15 2013

Date

Angela P. DiSessa
Acting Chief Clerk