

Court of Appeals, State of Michigan

ORDER

People of MI v Tyler Quinton Perkins

Docket No. 315477

LC No. 2012-000463-FC

Jane E. Markey
Presiding Judge

Joel P. Hoekstra

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 defendant's sentence and REMANDS for resentencing because defendant's prior drunk and disorderly misdemeanor conviction was erroneously counted as a "controlled substance offense" for the purpose of scoring Prior Record Variable 5, resulting in that variable being scored at 10 points, rather than the appropriate score of 5 points. MCL 777.55(1); *People v Endres*, 269 Mich App 414, 416-417; 711 NW2d 398 (2006).

We do not retain jurisdiction.



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

MAY 02 2013

Date


Chief Clerk