

Court of Appeals, State of Michigan

ORDER

People of MI v Bret Francis Preece

Docket No. 319713

LC No. 12-036998 FH

Kirsten Frank Kelly
Presiding Judge

Cynthia Diane Stephens

Michael J. Riordan
Judges

Pursuant to MCR 7.205(E)(2), in lieu of granting the delayed application for leave to appeal, the Court VACATES the June 27, 2013 judgment of sentence and REMANDS this case for resentencing within the statutory sentencing 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, 304; 754 NW2d 284 (2008).

This order is to have 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

FEB 05 2014

Date


Chief Clerk