

Court of Appeals, State of Michigan

ORDER

People of MI v Lorenzo Jaquan Clanagan

Docket No. 320992

LC No. 2013-246452-FH

David H. Sawyer
Presiding Judge

William B. Murphy, C.J.

Joel P. Hoekstra
Judges

Pursuant to MCR 7.205(E)(2), in lieu of granting the delayed application for leave to appeal, the Court VACATES the September 24, 2013, judgment of sentence and REMANDS this case for resentencing. The trial court did not articulate substantial and compelling reasons to substantiate the upward departure. On resentencing, in the event the sentencing court again departs from the guidelines 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). In all other respects the delayed application is DENIED for lack of merit in the grounds presented.

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

MAY 28 2014

Date

Chief Clerk