

# Court of Appeals, State of Michigan

## ORDER

People of MI v Gary Richard Boose

Docket No. 321413

LC No. 89-012769-FC

Michael J. Riordan  
Presiding Judge

Michael J. Talbot

Kirsten Frank Kelly  
Judges

In lieu of granting the application, the Court orders, pursuant to MCR 7.205(E)(2), that the April 7, 2014, order of the Wayne Circuit Court granting in part defendant's motion for relief from judgment hereby is REVERSED insofar as it granted resentencing. Defendant failed to meet the burden of establishing entitlement to relief under MCR 6.508(D).

A trial judge may resentence a defendant only when the previously imposed sentence is invalid. MCR 6.429(A). Under the law applicable when defendant was sentenced, the sentencing court must have articulated on the record the reasons for the particular sentence. *People v Coles*, 417 Mich 523, 549; 339 NW2d 440 (1983). In this case, not only did the trial court note the facts and circumstances surrounding the crime, the court imposed a sentence that was within the sentencing guidelines range. See *People v Oliver*, 170 Mich App 38, 52; 427 NW2d 898 (1988); see also *People v Latzman (On Remand)*, 166 Mich App 311, 312-313; 420 NW2d 200 (1988). Accordingly, the *Coles* articulation requirement was satisfied and the circuit court should not have granted relief.



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

AUG 11 2014

Date

  
Chief Clerk