

Court of Appeals, State of Michigan

ORDER

People of MI v Alfred Jamal Ollison

Docket No. **321215**

LC No. **13-009984-01-FC**

Michael J. Talbot, Chief Judge, acting under MCR 7.211(C)(7) and MCR 7.211(E)(2), orders:

The prosecutor's confession of error is accepted and APPROVED. It was error to score prior record variable 1 at 50 points where defendant's Presentence Investigation Report reflects that he has only a single prior high-severity conviction, MCL 777.51(1)(c). Defendant's sentence is VACATED and the matter is REMANDED for the limited purpose of 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). At resentencing, the court also should reexamine the scoring of prior record variable 5, MCL 777.55.

The Court retains no further jurisdiction.



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

JAN 14 2015

Date


Chief Clerk