

Court of Appeals, State of Michigan

ORDER

People of MI v Antonio Carlos Hubbard

Docket No. 323687

LC No. 14-002962-02-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 Offense Variables 1, 2 and 9 based on facts arising from the actions of co-defendant rather than based on only the conduct related to the offense being scored, that of receiving/concealing stolen property. The record does not contain evidence that, while receiving/concealing the stolen cars, defendant used a weapon, that any weapon had lethal potential, or that the offense involved more than one victim. Defendant's sentence is VACATED and the matter is REMANDED for the limited purpose of resentencing. At resentencing, the trial court is to be guided by *People v Lockridge*, __ Mich __; __ NW2d __ (2015) (Docket No. 149073, issued July 29, 2015).

The Court retains no further jurisdiction.



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

August 25, 2015

Date


Chief Clerk