

# Court of Appeals, State of Michigan

## ORDER

People of MI v Steven Lynn Duncan

Docket No. 325072

LC No. 2014-015588 FH

Kurtis T. Wilder  
Presiding Judge

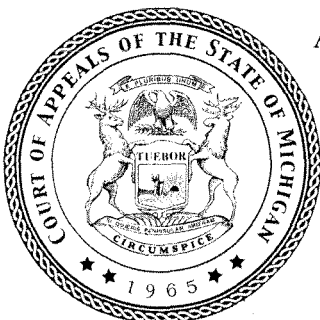
Christopher M. Murray

Michael J. Riordan  
Judges

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In lieu of granting the delayed application for leave to appeal, the Court orders that the judgment of sentence is VACATED and this case is REMANDED to the trial court for resentencing because no points should have been scored for offense variable 19 (OV 19) since failure to register as a sex offender does not constitute interference with the administration of justice within the meaning of OV 19. See *People v Hershey*, 303 Mich App 330, 344-345; 844 NW2d 127 (2013). Further, because the error affected the sentencing guidelines range, resentencing is required. *People v Francisco*, 474 Mich 82, 89-90; 711 NW2d 44 (2006).

We do not retain jurisdiction.



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

JAN 21 2015

Date

Chief Clerk