

Court of Appeals, State of Michigan

ORDER

People of MI v Stevie Marie Foehl

Docket No. 328893

LC No. 13-008702-FC

Michael F. Gadola
Presiding Judge

Peter D. O'Connell


Stephen L. Borrello
Judges

The Court orders that the motion to file an amended delayed application for leave to appeal and amended brief in support of the motion to remand is GRANTED.

Pursuant to MCR 7.205(E)(2), in lieu of granting the delayed application for leave to appeal, this case is REMANDED to the trial court to determine whether defendant is entitled to resentencing because the trial court would have imposed a materially different sentence but for the unconstitutional judicial factfinding in scoring the sentencing guidelines. *People v Lockridge*, ___ Mich ___; ___ NW2d ___ (Docket No. 149073, decided July 29, 2015), slip op, pp 33-36; *United States v Crosby*, 397 F3d 103, 117-118 (CA 2, 2005).

The motion to remand filed on August 19, 2015 with the delayed application for leave to appeal is DENIED as moot in light of the relief granted with regard to the delayed application for leave to appeal.

We do not retain jurisdiction.


Presiding Judge



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

SEP 30 2015

Date


Chief Clerk