

Court of Appeals, State of Michigan

ORDER

People of MI v Kyle Joseph Longacre

Docket No. 329513

LC No. 14-001352-FH

Kathleen Jansen
Presiding Judge

Henry William Saad

Deborah A. Servitto
Judges

The Court orders that the delayed application for leave to appeal is DENIED for lack of merit in the grounds presented. Costs in the amount of \$200 are assessed against defendant's attorney, Sharon Jones, pursuant to MCR 7.216(C), because the delayed application for leave to appeal argues the wrong facts that are not applicable to defendant's case. The delayed application for leave to appeal states that the case arose from a December 3, 2013 incident, in which defendant delivered to a corrections officer a lock tied to the end of a washcloth, when in fact the case arose from an October 7, 2013 incident, in which defendant threw several punches at corrections officers. The delayed application for leave to appeal also misstates defendant's offense variable (OV) scores with regard to OV 1 and OV 13. The delayed application for leave to appeal states that defendant's minimum sentencing guidelines range was 22 to 47 months' imprisonment and that defendant was sentenced to 24 to 90 months' imprisonment. However, the minimum sentencing guidelines range was 2 to 17 months' imprisonment, and defendant was sentenced to 10 months in jail. In addition, the delayed application for leave to appeal mentions a man who is not defendant on page 14 and argues that the man's due-process right to a proportionate sentence was violated.



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

DEC 01 2015

Date


Chief Clerk