

Court of Appeals, State of Michigan

ORDER

People of MI v Taneisha Nicole Tackman

Docket No. 330676

LC No. 13-038797-FH

Amy Ronayne Krause
Presiding Judge

Patrick M. Meter

Donald S. Owens
Judges

In lieu of granting the delayed application for leave to appeal, the Court orders pursuant to MCR 7.205(E)(2) that this case is REMANDED to the Saginaw Circuit Court to determine whether the court would have imposed a materially different sentence under the sentencing procedure described in *People v Lockridge*, 498 Mich 358 (2015). On remand, the court shall follow the procedure in *United States v Crosby*, 397 F3d 103 (CA 2, 2005), as outlined in *Lockridge* and *People v Steanhouse*, ___ Mich ___ (Docket No. 318329, rel'd October 22, 2015).

In all other respects, the delayed application for leave to appeal is DENIED for lack of merit in the grounds presented.

We do not retain jurisdiction.

Ronayne Krause, J., would not remand to the trial court for resentencing as the trial court exceeded the guidelines. Regarding sentences that depart from the guidelines' recommendation, the *Steanhouse* court quoted *Milbourn* at length, including:

that departures from the guidelines are appropriate where the guidelines do not adequately account for important factors legitimately considered at sentencing . . . [T]rial judges may continue to depart from the guidelines when, in their judgment, the recommended range under the guidelines is disproportionate, in either direction, to the seriousness of the crime. *People v Steanhouse*, ___ Mich App ___, __; ___ NW2d ___, ___ (2015)(docket No. 318329); slip op at 23, quoting *People v Milbourn*, 435 Mich 630, 657; 461 NW2d 1, 12 (1990).

Here, the trial court, when handing down defendant's sentence, properly took "the nature of the offense and the background of the offender" into consideration.



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

APR 12 2016

Date

Jerome W. Zimmer Jr.
Chief Clerk