

Court of Appeals, State of Michigan

ORDER

People of MI v Robert Francis Talentino

Docket No. 332185

LC No. 14-001556-FH

Amy Ronayne Krause
Presiding Judge

Donald S. Owens

Michael F. Gadola
Judges

Pursuant to MCR 7.205(E)(2), in lieu of granting the delayed application for leave to appeal, the Court VACATES defendant's sentence. The Chippewa Circuit Court clearly erred when it assigned OV 7 a 50-point score. MCL 777.37; *People v Marshall*, 495 Mich 983; 843 NW2d 925 (2014). This matter is REMANDED to the Chippewa Circuit Court for the rescoring of OV 7 as "0" points and resentencing. *People v Francisco*, 474 Mich 82; 711 NW2d 44 (2006); MCL 777.37(1)(b). The resentencing is to be governed by *People v Lockridge*, 498 Mich 358; 870 NW2d 502 (2015), and its progeny. This order has immediate effect. MCR 7.215(F)(2). The Court does not retain jurisdiction.

Ronayne Krause, J., would deny the delayed application for leave to appeal.



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

MAY 09 2016

Date


Chief Clerk