

# Court of Appeals, State of Michigan

## ORDER

People of MI v Cristian David Diaz

Docket No. 336578

LC No. 12-005564-FH

Deborah A. Servitto  
Presiding Judge

Henry William Saad

Elizabeth L. Gleicher  
Judges

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The Court orders that in lieu of granting the delayed application for leave to appeal, this case is REMANDED to the trial court for further proceedings consistent with this order. MCR 7.205(E)(2). The trial court failed to acknowledge that its sentence was a departure from the sentencing guidelines and, thus, did not articulate reasons for the departure. *People v Steanhouse*, 313 Mich App 1, 44-46; 880 NW2d 297 (2015). On remand, the trial court shall either articulate reasons for the departure and enter an order reaffirming defendant's sentence or, if it determines that a departure from the sentencing guidelines is unwarranted, resentence defendant within the sentencing guidelines.

We do not retain jurisdiction.

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



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

MAR 14 2017

Date

Chief Clerk