

Court of Appeals, State of Michigan

ORDER

People of MI v John David Foote

Docket No. 350160

LC Nos. 19-005714-FH

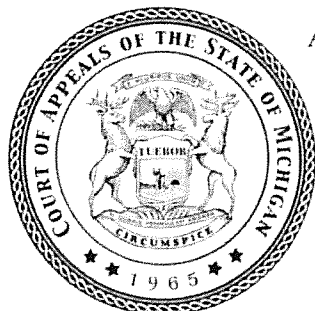
Elizabeth L. Gleicher
Presiding Judge

Mark J. Cavanagh

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.

Gleicher J. would either grant the application for leave to appeal or remand to the trial court for an explanation justifying the extent of the departure sentence imposed. Defendant's minimum guidelines sentence was 14 to 36 months. The trial court sentenced defendant to a minimum term of 60 months, considerably in excess of the top-of-the-guidelines' minimum. Although the trial court adequately articulated grounds for a departure, it provided no rationale whatsoever for the extent of the departure, contrary to *People v Dixon-Bey* 321 Mich App 490, at 529 (2017).



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

SEP 12 2019

Date


Chief Clerk