

Court of Appeals, State of Michigan

ORDER

People of MI v Keith Duane Harvey

Docket No. 340700

LC No. 16-018195-FC

Stephen L. Borrello
Presiding Judge

Michael J. Kelly

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 the May 3, 2017 judgment of sentence and REMANDS this matter to the Lenawee Circuit Court for resentencing in light of *People v Dixon-Bey*, 321 Mich App 490; 909 NW2d 458 (2017). The trial court abused its discretion in applying the principle of proportionality by failing to provide a clear articulation of adequate reasons both for imposing a departure sentence and to justify the length of the departure imposed. *Id.* at 524-529. This order has immediate effect. MCR 7.215(F)(2). This Court does not retain jurisdiction.



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

JAN 15 2020

Date


Chief Clerk