Court of Appeals, State of Michigan

ORDER

People of MI v Tyrone William Mahan

Docket No. 354263

LC No. 2019-000505-FH

Deborah A. Servitto
Presiding Judge

Elizabeth L. Gleicher

Jonathan Tukel
Judges

Pursuant to MCR 7.205(E)(2), in lieu of granting the delayed application for leave to appeal, the Court orders that this case is remanded for resentencing. "A defendant is entitled to be sentenced according to accurately scored guidelines and on the basis of accurate information." *People v McGraw*, 484 Mich 120, 131; 771 NW2d 655 (2009). Resentencing is appropriate if a defendant is sentenced "based on an inaccurate guidelines score that affects the applicable sentencing guidelines range." *People v Rhodes*, 305 Mich App 85, 91; 849 NW2d 417 (2014). Because defendant's challenge to the scoring of PRV 3, if correct, would alter the sentencing guidelines range, we remand for an evidentiary hearing regarding the accuracy of the scoring of PRV 3. In all other respects, leave to appeal is DENIED.

We do not retain jurisdiction.

/s/ Deborah A. Servitto

Presiding Judge

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

August 20, 2020
Date

Chief Clerk