

# Order

Michigan Supreme Court  
Lansing, Michigan

September 21, 2016

Robert P. Young, Jr.,  
Chief Justice

151280

Stephen J. Markman  
Brian K. Zahra  
Bridget M. McCormack  
David F. Viviano  
Richard H. Bernstein  
Joan L. Larsen,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 151280  
COA: 325412  
Alpena CC: 14-005716-FH

RAYMOND CLARENCE GEDDERT,  
Defendant-Appellant.

---

By order of July 28, 2015, the prosecuting attorney was directed to answer the application for leave to appeal the February 12, 2015 order of the Court of Appeals. On order of the Court, the answer having been received, the application for leave to appeal is again considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we VACATE the sentence of the Alpena Circuit Court and we REMAND this case to the trial court for resentencing. The trial court assigned no points to any Offense Variables (OVs), but departed from the sentencing guidelines range in part because of the defendant's pattern of prior narcotics offenses. In light of this, based on facts reported in the presentence information report, the trial court was required to assign 10 points to OV 13 for a pattern of three or more controlled-substance felonies. MCL 777.43(1)(e). Even though the guidelines ranges are now advisory, the scoring of the guidelines themselves is mandatory, and the OVs must be assigned the highest number of points applicable. MCL 777.43(1); *People v Lockridge*, 498 Mich 358, 392 n 28 (2015). Because correcting the OV score would change the applicable guidelines range, resentencing is required. *People v Francisco*, 474 Mich 82 (2006).

We do not retain jurisdiction.



a0914

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 21, 2016

A handwritten signature in black ink, appearing to read "Larry S. Royster", written over a horizontal line.

Clerk