

Order

Michigan Supreme Court
Lansing, Michigan

September 21, 2016

Robert P. Young, Jr.,
Chief Justice

151411

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: 151411
COA: 318822
Calhoun CC: 2013-001828-FC

JACK LEROY WINE, JR.,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the February 24, 2015 judgment of the Court of Appeals is considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we VACATE the sentence of the Calhoun Circuit Court, and we REMAND this case to the trial court for resentencing pursuant to *People v Francisco*, 474 Mich 82 (2006). The trial court erred in assigning 10 points for Offense Variable 4 (OV 4), MCL 777.34, since there was no record support that the victims suffered psychological injury. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court.



p0914

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


Clerk