

# Order

Michigan Supreme Court  
Lansing, Michigan

January 24, 2017

Stephen J. Markman,  
Chief Justice

151515

Robert P. Young, Jr.  
Brian K. Zahra  
Bridget M. McCormack  
David F. Viviano  
Richard H. Bernstein  
Joan L. Larsen,  
Justices

*In re* CARL TYRESE AMARNA HOWARD.

SC: 151515  
COA: 324326  
Saginaw CC: 13-033663-DJ

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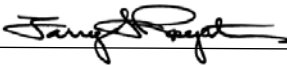
On order of the Court, the application for leave to appeal the March 12, 2015 order of the Court of Appeals is considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we VACATE the sentence of the Saginaw Circuit Court for the defendant's June 19, 2013 armed robbery offense, and we REMAND this case to the trial court for resentencing on that offense. The defendant was improperly assigned ten points on Offense Variable (OV) 9, MCL 777.39, because there was only one victim at the time that the crime was committed. MCL 777.39(1)(d). On remand, the trial court shall rescore this variable at zero points. The resulting change in the defendant's total OV score produces a lower guidelines range, entitling the defendant to resentencing. See *People v Francisco*, 474 Mich 82, 88-90 (2006). 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.



s0117

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.

January 24, 2017

  
Clerk