

Order

Michigan Supreme Court
Lansing, Michigan

October 5, 2016

Robert P. Young, Jr.,
Chief Justice

151620

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: 151620
COA: 325980
Emmet CC: 13-003787-FH

JEFFREY BERNARD PRATER,
Defendant-Appellant.

By order of December 22, 2015, the prosecuting attorney was directed to answer the application for leave to appeal the March 24, 2015 order of the Court of Appeals. On order of the Court, the answer having been received and the prosecutor having conceded guidelines scoring error, the application for leave to appeal is again considered. Pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we VACATE the sentences of the Emmet Circuit Court, and we REMAND this case to the trial court for resentencing. The trial court erred in assigning points for Offense Variables 12 and 13, MCL 777.42 and MCL 777.43, respectively, which changed the defendant's guidelines range. *People v Francisco*, 474 Mich 82 (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.

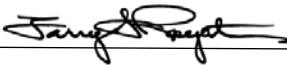
We do not retain jurisdiction.



s0928

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.

October 5, 2016


Clerk