

Order

Michigan Supreme Court
Lansing, Michigan

December 21, 2016

Robert P. Young, Jr.,
Chief Justice

154087

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: 154087
COA: 332800
Kent CC: 15-001236-FH

RODERICK ANTONIODION DAVIS,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the June 22, 2016 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 Kent Circuit Court, and we REMAND this case to that court for resentencing. The circuit court erred in assigning 10 points for Offense Variable 9 (OV 9), MCL 777.39, where fewer than two victims were placed in danger of physical injury or loss of life. Because correcting the OV score changes the applicable guidelines range, resentencing is required. *People v Kimble*, 470 Mich 305 (2004).



s1214

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.

December 21, 2016


Clerk