

# Order

Michigan Supreme Court  
Lansing, Michigan

May 24, 2017

Stephen J. Markman,  
Chief Justice

154710

Brian K. Zahra  
Bridget M. McCormack  
David F. Viviano  
Richard H. Bernstein  
Joan L. Larsen  
Kurtis T. Wilder,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 154710  
COA: 326932  
Wayne CC: 15-000361-FC

SHERRON DESHAWN DAVIS,  
Defendant-Appellant.

---

On order of the Court, the application for leave to appeal the September 15, 2016 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 Wayne Circuit Court, and we REMAND this case to the trial court for resentencing. As the prosecutor concedes, the trial court erred in scoring Offense Variable (OV) 13, MCL 777.43, at 25 points, because the sentencing offense was not part of a pattern of felonious criminal activity involving three or more crimes against a person. The defendant did not commit three crimes against a person within a five-year period, and no points should have been scored. Because correcting the OV score would change the applicable guidelines range, resentencing is required. *People v Francisco*, 474 Mich 82 (2006). In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining question presented should be reviewed by this Court.

WILDER, J., did not participate because he was on the Court of Appeals panel.

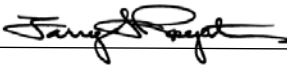


d0517

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.

May 24, 2017

---

  
Clerk