

Order

Michigan Supreme Court
Lansing, Michigan

November 29, 2017

Stephen J. Markman,
Chief Justice

155213 & (19)

Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Kurtis T. Wilder
Elizabeth T. Clement,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 155213
COA: 335474
Oakland CC: 2016-257166-FH

STEVEN JON WILCOX,
Defendant-Appellant.

By order of September 12, 2017, the prosecuting attorney was directed to answer the application for leave to appeal the December 5, 2016 order of the Court of Appeals. On order of the Court, the answer having been received, the application for leave to appeal is again considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we VACATE the sentence of the Oakland Circuit Court, and we REMAND this case to the circuit court for resentencing because there was only one victim for each offense. The prosecuting attorney concedes that the circuit court erroneously assigned 10 points to Offense Variable 9 (OV 9), MCL 777.39. On resentencing, the circuit court shall assign zero points to OV 9 and impose a sentence that is proportional to the nature of the offense and the background of the offender in accordance with *People v Milbourn*, 435 Mich 630, 651 (1990). The motion for extension of time to file reply brief is GRANTED.

We do not retain jurisdiction.

CLEMENT, J., did not participate.



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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.

November 29, 2017

Clerk