

Order

Michigan Supreme Court
Lansing, Michigan

May 26, 2010

Marilyn Kelly,
Chief Justice

140191

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 140191
COA: 293187
Wayne CC: 02-003960-FH

DAVID ANTHONY JONES,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the November 12, 2009 order of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we VACATE the sentence of the Wayne Circuit Court and we REMAND this case to that court for resentencing in light of *People v Hendrick*, 472 Mich 555 (2005). On remand, the trial court shall sentence the defendant within the appropriate sentencing guidelines range or state on the record a substantial and compelling reason for the departure, in accordance with MCL 769.34(3) and *People v Babcock*, 469 Mich 247 (2003). We note that under *Hendrick, supra* at 564, the acts giving rise to the probation violation may provide a substantial and compelling reason to depart.



d0519

I, Corbin R. Davis, 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 26, 2010

Corbin R. Davis

Clerk