

Order

Michigan Supreme Court
Lansing, Michigan

April 3, 2015

Robert P. Young, Jr.,
Chief Justice

149998

Stephen J. Markman
Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 149998
COA: 321375
Kent CC: 13-003123-FC

GLENN ROBERT DAVIS,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the July 11, 2014 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 imposed by the Kent Circuit Court, and we REMAND this case to the trial court for resentencing. The trial court erred in scoring Offense Variable 11 at 50 points in the absence of evidence that any additional penetrations “arose out of” the sentencing offense. See MCL 777.41; *People v Johnson*, 474 Mich 96 (2006).



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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.

April 3, 2015


Clerk