

# Order

Michigan Supreme Court  
Lansing, Michigan

July 1, 2015

Robert P. Young, Jr.,  
Chief Justice

150202

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: 150202  
COA: 313121  
Washtenaw CC: 11-001541-FC

KYLE KEITH CLARK,  
Defendant-Appellant.

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On order of the Court, the application for leave to appeal the June 19, 2014 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REVERSE in part the judgment of the Court of Appeals, we VACATE the sentence of the Washtenaw Circuit Court, and we REMAND this case to the trial court for resentencing. Had Offense Variable (OV) 3, MCL 777.33, not been scored, the correct guidelines range was 84 to 140 months, rather than the range of 87 to 145 months on which the defendant's sentence was based. Therefore, the defendant is entitled to relief under the rationale of *People v Francisco*, 474 Mich 82 (2006). In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court.



s0624p

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.

July 1, 2015

  
Clerk