

Court of Appeals, State of Michigan

ORDER

People of MI v David Dell Ellis

Docket No. 280138

LC No. 05-003157-FH

Patrick M. Meter
Presiding Judge

Donald S. Owens

Stephen L. Borrello
Judges

The Court orders that pursuant to MCR 7.205(D)(2), in lieu of granting the application for leave to appeal, the Court VACATES the **May 2, 2007** judgment of sentence and REMANDS this case for resentencing within the statutory sentencing guidelines range. In the event the sentencing court departs from such range, the court must state on the record substantial and compelling reasons to justify its departure. See *People v Babcock*, 469 Mich 247; 666 NW2d 231 (2003). We do not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

SEP 25 2007

Date

Sandra Schultz Mengel
Chief Clerk