

**Court of Appeals, State of Michigan**

**ORDER**

People of MI v Michael Joseph Cook

Docket No. 282250

LC No. 06-212172 FH

Elizabeth L. Gleicher  
Presiding Judge

Mark J. Cavanagh

Deborah A. Servitto  
Judges

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In lieu of granting defendant's delayed application for leave to appeal, we VACATE defendant's sentence and REMAND for recalculation of OV 13, resentencing, and correction of the Sentencing Information Report. None of defendant's felony convictions involved violations of MCL 333.7401(2)(a)(i) to (iii) or MCL 333.7403(2)(a)(i) to (iii), and only one controlled substance offense arising from the criminal episode for which defendant was being sentenced should be counted when recalculating OV 13. MCL 777.43(2)(e) and (f). The delayed application for leave to appeal is otherwise DENIED.

We retain no further jurisdiction.



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

JAN 14 2008

Date

*Sandra Schultz Mengel*  
Chief Clerk