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Court of Appeals, State of Michigan

ORDER

PEOPLE OF MI v PERRY MASON YARBROUGH

Docket No. 286028

LC No. 04-012290-FH

Joel P. Hoekstra
Presiding Judge

William B. Murphy

Richard A. Bandstra
Judges

Pursuant to MCR 7.205(D)(2), in lieu of granting the delayed application for leave to appeal, the Court VACATES the June 13, 2007 judgment of sentence and REMANDS this case to update the presentence investigation report and 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

JUL 16 2008

Date

Sandra Schultz Mengel
Chief Clerk