

Court of Appeals, State of Michigan

ORDER

Karen M. Fort Hood  
Presiding Judge

Kirsten Frank Kelly

Christopher M. Murray  
Judges

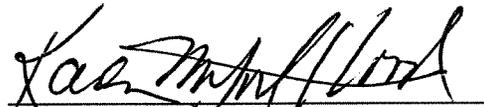
People of MI v Terrance Roderick Jones

Docket No. 286801

LC No. 07-009852

In lieu of granting leave to appeal, pursuant to MCR 7.205(D)(2), the January 7, 2008, judgment of sentence entered by the Wayne County Circuit Court is VACATED due to the scoring errors for two offense variables, OV 3 and 6. Defendant was convicted of voluntary manslaughter, MCL 750.321. Because the stabbing of the victim occurred in a combative situation, MCL 777.36(2)(b) directs a trial court to assess 10 points for OV 6. Therefore, the trial court erred in assessing 25 points for OV 6. Furthermore, although no objection was asserted at sentencing below, plain error occurred in the assessment of 50 points for OV 3 since the offense did not involve the operation of a vehicle, vessel, ORV, snowmobile, aircraft or locomotive. See MCL 777.33(2)(c)(i); *People v Houston*, 473 Mich 399, 404-407; 702 NW2d 530 (2005). Accordingly, the matter is REMANDED for correction of defendant's guidelines' score and resentencing. *People v Melton*, 271 Mich App 590, 596; 722 NW2d 698 (2006).

The Court retains no further jurisdiction.

  
Presiding Judge



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

DEC 11 2008

Date

  
Chief Clerk