

# Court of Appeals, State of Michigan

## ORDER

People of MI v Jeffrey Dean Lafey

Docket No. 288534

LC No. 07-013637-FH

David H. Sawyer  
Presiding Judge

Jane E. Markey

Jane M. Beckering  
Judges

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The Court orders that defendant's judgment of sentence is VACATED. A trial court that decides to impose a minimum sentence outside the sentencing guidelines range must not only articulate substantial and compelling reasons for the departure, it must also explain on the record why those reasons justify the extent of the departure. And that articulation must be sufficient to allow a reviewing court to determine whether the minimum sentence imposed is proportional to the offense and the offender. *People v Smith*, 482 Mich 292, 318; 754 NW2d 284 (2008). Although the trial court articulated reasons for a departure from the sentencing guidelines, it failed to explain the particular departure made in this case. We REMAND for resentencing and for an explanation of the extent of any departure made on remand. In all other respects, the delayed application for leave to appeal is DENIED. We do not retain jurisdiction.



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

NOV 26 2008

Date

*Sandra Schultz Mengel*  
Chief Clerk