Court of Appeals, State of Michigan

ORDER

People of MI v Peter William Nagel

Docket No. 297253

LC No. 09-032265-FH

Douglas B. Shapiro
Presiding Judge

William B. Murphy, C.J.

Richard A. Bandstra
Judge

In lieu of granting the application for leave, the Court orders that defendant's sentence is VACATED and REMANDS this case to the trial court for resentencing. An indeterminate sentence is a departure from an intermediate sanction under the sentencing guidelines. *People v Stauffer*, 465 Mich 633; 640 NW2d 869 (2002). The trial court did not articulate substantial and compelling reasons that justified the departure sentence that it imposed. On remand, the trial court shall sentence defendant to an intermediate sanction or articulate on the record substantial and compelling reasons for departing from such a sentence. We do not retain jurisdiction.

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

MAY 18 2010
Date

Sandra Schultz Mengel
Chief Clerk