

Court of Appeals, State of Michigan

ORDER

People of MI v Joshua Allen Herzig

Docket No. 316423

LC No. 13-000616-FH

Michael J. Talbot
Presiding Judge

Kurtis T. Wilder

Christopher M. Murray
Judges

The delayed application for leave to appeal is considered and, pursuant to MCR 7.205(D)(2), in lieu of granting leave to appeal, we VACATE the sentence of the Wayne Circuit Court, and we REMAND this case to the trial court for resentencing. The trial court erred in departing from the applicable sentencing guidelines range without articulating substantial and compelling reasons for the departure. MCL 769.34(3); *People v Babcock*, 469 Mich 247; 666 NW2d 231 (2003). On remand, should the trial court decide to again depart from the sentencing guidelines range, it shall articulate a rationale justifying the extent of the particular departure. See, *People v Smith*, 482 Mich 292; 754 NW2d 284 (2008).

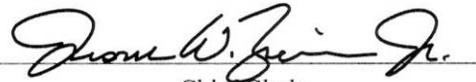
We do not retain jurisdiction.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

NOV 21 2013

Date



Chief Clerk