

Court of Appeals, State of Michigan

ORDER

People of MI v Antanette A Garmo

Docket No. 320107

LC Nos. 2011-003218-FH; 2011-003427-FH

Michael J. Kelly
Presiding Judge

Peter D. O'Connell

Stephen L. Borrello
Judges

The Court orders that the motion for peremptory reversal is GRANTED. Although the trial court articulated reasons for its sentences that could be deemed substantial and compelling reasons for the upward departures, the court failed to acknowledge the applicable guidelines range or to recognize that it was departing from the guidelines range. The court also failed to justify the extent of its departure. *People v Smith*, 482 Mich 292, 303, 313; 754 NW2d 284 (2008). Accordingly, we VACATE defendant's sentences and REMAND for resentencing. On remand, the trial court may impose any minimum sentences within the appropriate guidelines ranges or depart from those ranges if it finds substantial and compelling reasons to do so and states such reasons on the record, along with reasons for the particular extent of any departure. MCL 769.34(3); *Smith*, 482 Mich at 303, 313; *People v Babcock*, 469 Mich 247, 256-257, 264; 666 NW2d 231 (2003).

In light of our grant of peremptory relief, the delayed application for leave to appeal and the motion to expedite are denied as moot.

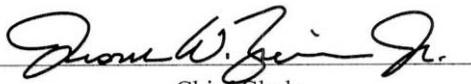
We do not retain jurisdiction.



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

MAR 04 2014

Date


Chief Clerk