

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MICHAEL ROBERT SINCLAIR,

Defendant-Appellant.

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UNPUBLISHED

May 24, 1996

No. 172542

LC Nos. 92-019908-FC;

92-020208-FC

Before: Kavanagh, T.G.,\* P.J., and R.B. Burns\*\* and G.S. Allen,\*\* JJ.

MEMORANDUM.

Defendant pleaded guilty of first-degree criminal sexual conduct, MCL 750.520b; MSA 28.788(2), and second-degree criminal sexual conduct, MCL 750.520c; MSA 28.788(3). For those respective convictions, he was sentenced to twelve to twenty-five years' imprisonment and eight to fifteen years' imprisonment. He appeals as of right. We remand. This case has been decided without oral argument pursuant to MCR 7.214(A).

The trial court erred in scoring ten points for Offense Variable 6 (multiple victims) based on other offenses. The charged offense involved only one victim. *People v Chesebro*, 206 Mich App 468; 522 NW2d 677 (1994). Because the improper scoring affected the recommended range of the sentencing guidelines, we remand for the sentencing court to clarify whether the proper scoring would affect the sentences imposed. If so, defendant shall be resentenced. *People v Polus*, 197 Mich App 197; 495 NW2d 402 (1992).

Remanded for further proceedings consistent with this opinion. We do not retain jurisdiction.

/s/ Thomas G. Kavanagh

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\*Former Supreme Court Justice, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1995-1.

\*\*Former Court of Appeals Judges, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1995-1.

/s/ Robert B. Burns  
/s/ Glenn S. Allen, Jr.