

Order

Michigan Supreme Court
Lansing, Michigan

July 26, 2016

Robert P. Young, Jr.,
Chief Justice

150715

Stephen J. Markman
Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Joan L. Larsen,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 150715
COA: 323391
Bay CC: 09-010801-FH

DOUGLAS WILLIAM JAMISON,
Defendant-Appellant.

By order of November 25, 2015, the prosecuting attorney was directed to answer the application for leave to appeal the November 7, 2014 order of the Court of Appeals. On order of the Court, the answer having been received and the prosecutor having conceded guidelines scoring error, the application for leave to appeal is again considered. Pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we VACATE the sentence of the Bay Circuit Court, and we REMAND this case to the trial court for resentencing. The court erred in assigning points for Offense Variables 9 and 19 (OV 9 and OV 19), MCL 777.39 and MCL 777.49, respectively, which changed the defendant's guidelines range. *People v Kimble*, 470 Mich 305 (2004). In all other respects, leave to appeal is DENIED, because the defendant has failed to meet the burden of establishing entitlement to relief under MCR 6.508(D).



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

July 26, 2016

Clerk