

**Court of Appeals, State of Michigan**

**ORDER**

People of MI v Ulysses Wynn

Docket No. 267578

LC No. 05-006850-01

Kurtis T. Wilder  
Presiding Judge

Helene N. White

Christopher M. Murray  
Judges

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In lieu of deciding defendant-appellant's motion to remand pursuant to MCR 7.211(C)(1), the Court accepts the prosecutor's answer to the motion to remand as a confession of error under MCR 7.211(C)(7), the prosecutor having confessed error with respect to the one issue that defendant-appellant has raised on appeal. Pursuant to MCR 7.211(C)(7) and MCR 7.216(C)(7), the Court orders that defendant-appellant's sentence is VACATED and the matter is REMANDED for resentencing because error in the scoring of OV 11 increased the guidelines minimum sentence range and there is no clear indication on the record that the trial court would have imposed the same sentence absent the erroneously increased range. *People v Francisco*, 474 Mich 82 (2006). The Court does not retain jurisdiction.

The motion to remand pursuant to MCR 7.211(C)(1) is DISMISSED as moot in light of the foregoing disposition of the appeal.

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Presiding Judge



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

**FEB 12 2007**  
Date

*Sandra Schultz Mengel*  
Chief Clerk