

Court of Appeals, State of Michigan

ORDER

PEOPLE OF MI V TERENCE JAMES RIELLY

Docket No. 291498

LC No. 2003-189197-FH

Karen M. Fort Hood
Presiding Judge

Kurtis T. Wilder

Kirsten Frank Kelly
Judges

Pursuant to MCR 7.205(D)(2), in lieu of granting the delayed application for leave to appeal, the Court VACATES the November 20, 2008 judgment of sentence and REMANDS this case for re-sentencing within the statutory sentencing guidelines range. In the event the sentencing court departs from such range, the court must state on the record substantial and compelling reasons to justify its departure. See *People v Babcock*, 469 Mich 247; 666 NW2d 231 (2003).

We do not retain jurisdiction.



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

MAY 14 2009

Date

Sandra Schultz Mengel
Chief Clerk