Court of Appeals, State of Michigan

ORDER

People of MI v Kenneth Lewis Harrell

Docket No. 310393

LC No. 11-008823-FH

David H. Sawyer
Presiding Judge

William B. Murphy, C.J.

Joel P. Hoekstra
Judges

Pursuant to MCR 7.205(D)(2), in lieu of granting the delayed application for leave to appeal, the Court VACATES the December 19, 2011, judgment of sentence and REMANDS this case for resentencing in light of *People v Ball*, 297 Mich App 121; ___ NW2d ___ (2012), as required by *People v Crabtree*, ___ Mich ___; 821 NW2d 678 (2012), with respect to Offense Variable (OV) 1, MCL 777.31, and OV 2, MCL 777.32.

In all other respects, the delayed application is DENIED for lack of merit in the grounds presented.

We do not retain jurisdiction.

A true copy entered and certified by Larry S. Royster, Chief Clerk, on

JAN 16 2013

Date

Chief Clerk