

# Order

Michigan Supreme Court  
Lansing, Michigan

November 21, 2007

Clifford W. Taylor,  
Chief Justice

133641 & (17)

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 133641  
COA: 276029  
Midland CC: 05-002619-FH

JOSHUA KENT DIPZINSKI,  
Defendant-Appellant.

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By order of September 14, 2007, the prosecuting attorney was directed to answer the application for leave to appeal the March 8, 2007, order of the Court of Appeals. On order of the Court, the answer having been received, the application for leave to appeal is again considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we VACATE the sentence of the Midland Circuit Court, and we REMAND this case to the trial court for resentencing. The prosecutor acknowledges errors in the scoring of offense variables 1 and 9, which errors alter the guidelines sentence ranges for both convictions. Resentencing is therefore warranted. *People v Francisco*, 474 Mich 82 (2006). On remand, the trial court shall make a record explaining the reasons for scoring each offense variable. In all other respects leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court.

We do not retain jurisdiction.



d1114

I, Corbin R. Davis, 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.

November 21, 2007

*Corbin R. Davis*

Clerk