

# Order

Michigan Supreme Court  
Lansing, Michigan

October 21, 2009

Marilyn Kelly,  
Chief Justice

137551 & (14)

Michael F. Cavanagh  
Elizabeth A. Weaver  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman  
Diane M. Hathaway,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 137551  
COA: 287648  
Kent CC: 08-003839-FH

TROY TOD TROSTLE,  
Defendant-Appellant.

---

By order of April 8, 2009, the prosecuting attorney was directed to answer the application for leave to appeal the October 8, 2008 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(H)(1), in lieu of granting leave to appeal, we VACATE the sentence of the Kent Circuit Court, and we REMAND this case to the trial court for resentencing. An indeterminate prison sentence is a departure from an intermediate sanction under the sentencing guidelines. *People v Stauffer*, 465 Mich 633 (2002). The trial court did not articulate substantial and compelling reasons that justified the departure sentence that it imposed. On remand, the trial court shall sentence the defendant to an intermediate sanction, or articulate on the record substantial and compelling reasons for departing from such a sentence. 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.



11014

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.

October 21, 2009

*Corbin R. Davis*

Clerk