

Order

Michigan Supreme Court
Lansing, Michigan

May 28, 2013

143004 & (14)

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

RICHARD LAWRENCE HOGAN II,
Defendant-Appellant.

Robert P. Young, Jr.,
Chief Justice

Michael F. Cavanagh
Stephen J. Markman
Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack
David F. Viviano,
Justices

SC: 143004
COA: 302402
Genesee CC: 10-026280-FH

By order of April 1, 2013, the prosecuting attorney was directed to answer the application for leave to appeal the March 14, 2011 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 Genesee Circuit Court, and we REMAND this case to the trial court for resentencing. The trial court erred in assessing 10 points for Offense Variable 13, MCL 777.43(1)(d), because the sentencing offense was not part of a pattern of felonious criminal activity involving a combination of 3 or more crimes against a person or property or a violation of section 7401(2)(a)(i) to (iii) or section 7403(2)(a)(i) to (iii) of the public health code. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining question presented should be reviewed by this Court.



h0520

I, Larry S. Royster, 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.

May 28, 2013


Clerk