

Court of Appeals, State of Michigan

ORDER

People of MI v James Montgomery

Docket No. 261764

LC No. 03-011746-FH

David H. Sawyer
Presiding Judge

Janet T. Neff

Michael R. Smolenski
Judges

Pursuant to MCR 7.205(D)(2), in lieu of granting the delayed application for leave to appeal, the Court VACATES the July 12, 2004, judgment of sentence and REMANDS this case for a second time for resentencing 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 in terms that satisfy the standards established by the Michigan Supreme Court. 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

JUL 22 2005

Date

Sandra Schultz Mengel
Chief Clerk