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STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN, Plaintiff-Appellee,	UNPUBLISHED June 17, 2026 10:46 AM
v	No. 376479 Saginaw Circuit Court
RODRICK SMITH JR, Defendant-Appellant.	LC No. 23-000538-FH

Before: REDFORD, P.J., and WALLACE and LIEVENSE, JJ.

LIEVENSE, J. (*concurring in part and dissenting in part*).

I agree with majority's analysis and conclusion that the trial court did not correctly score PRV 7 because the two convictions were not "concurrent with" each other, and I concur in that result. I disagree, however, that based on the available record and briefing, we can conclude that PRV 7 should have applied for reasons other than what the trial court ruled, and what the parties briefed on appeal. Therefore, I dissent from that portion of the opinion and would instead vacate defendant's sentence and remand this case to the trial court to (1) consider whether PRV 7 should apply for some other reason and (2) resentence defendant based on its recalculation of the applicable sentencing guidelines, which may or may not score points for PRV 7.

/s/ Andrew J. Lievense