Court of Appeals, State of Michigan

ORDER

PEOPLE OF MI V NACARRI QUINTAE HOWARD

Docket No. 380041

LC No. 25-005581-FH

Christopher M. Murray
Presiding Judge

Michelle M. Rick

Sima G. Patel
Judges

In lieu of granting the application for leave to appeal, we VACATE defendant's sentence and remand for resentencing. Points should be scored under Prior Record Variable 4 (PRV 4) of the sentencing guidelines for a defendant's prior low severity juvenile adjudications. MCL 777.54(1). Five points are scored where "[t]he offender has 2 prior low severity juvenile adjudications." MCL 777.54(1)(d). Two points are to be scored where "the offender has 1 prior low severity juvenile adjudication." MCL 777.54(1)(e). Defendant's Muskegon County prior juvenile adjudication is not a prior low severity adjudication because that matter was dismissed, as opposed to being set aside or expunged. See MCL 777.50(4)(a). Excluding the Muskegon County adjudication results in a score of two points, rather than five points under PRV 4, and that scoring would alter defendant's guidelines. Thus, the trial court shall resentence defendant using a PRV score of two points. See *People v Francisco*, 474 Mich 82, 89-91; 711 NW2d 44 (2006) (resentencing required for guidelines scoring error that affected sentencing guidelines range). The application for leave to appeal is DENIED in all other respects. We do not retain jurisdiction.

Christopher Murray

Presiding Judge

A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

April 27, 2026
Date

Jerome W. Zimmer Jr.
Chief Clerk