Court of Appeals, State of Michigan

ORDER

PEOPLE OF MI V SHANE MICHAEL SMITH

Docket No. 378712

LC No. 2023-013351-FH

Mark T. Boonstra
Presiding Judge

Brock A. Swartzle

Christopher P. Yates
Judges

In lieu of granting the application for leave to appeal this case is REMANDED to the trial court for resentencing because the trial court erred by including prior convictions beyond the ten-year limitation period in MCL 777.50(1) in scoring prior record variable 5 (PRV 5) of the sentencing guidelines. Thus, PRV 5 should have been scored at zero points. Because this scoring error affected the recommended guidelines sentencing range resentencing is required. *People v Carter*, 503 Mich 221, 223; 931 NW2d 566 (2019). In light of the relief granted with regard to the incorrect scoring of PRV 5 there is no need to reach defendant's issue challenging the proportionality of his sentence. In all other respects the application is DENIED for lack of merit in the grounds presented.

The motion to remand is DENIED as moot in light of the relief granted in lieu of granting the application.

We do not retain jurisdiction.

Presiding Judge

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

January 16, 2026
Date

Chief Clerk