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STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

LARRY JAMES BAILEY,

Defendant-Appellant.

UNPUBLISHED
July 22, 2026
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No. 375061
Wayne Circuit Court
LC No. 89-008926-01-FC

Before: MALDONADO, P.J., and RIORDAN and YOUNG, JJ.

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

The majority opinion accurately relays the facts underlying Mr. Bailey's conviction. I concur in large part, but dissent because I believe that the correct remedy for a court's failure to support its sentence is *only* resentencing, not remanding for explanation. *People v Mason*, ___ Mich App ___; ___ NW3d ___ (2024) (Docket No. 367687); slip op at 7.

A sentence that is unsupported by the record is unreasonable. *People v Dixon-Bey*, 321 Mich App 490, 523-525; 909 NW2d 458 (2017) ("It is our view that the 15-year upward departure was unreasonable and that, in light of the record before us, the trial court abused its discretion by violating the principle of proportionality. . . . In this case, the trial court *did not adequately explain why a minimum sentence of 35 years was more proportionate than a different sentence within the guidelines would have been*.") (emphasis added). A remand is the only appropriate remedy where a sentence is unreasonable. *Id* at 532; see also, *People v Smith*, 482 Mich 292, 311; 754 NW2d 284 (2008) (where the trial court sentenced Smith to a departure sentence of double the guidelines range without valid explanation, the Supreme Court vacated the sentence). Because the trial court did not explain why Mr. Bailey's sentence was reasonable and proportionate given the then-existing guidelines and the factors accounted for therein, I would remand to the trial court for resentencing.

/s/ Adrienne N. Young