

# Order

Michigan Supreme Court  
Lansing, Michigan

November 26, 2019

Bridget M. McCormack,  
Chief Justice

158225 & (42)

David F. Viviano,  
Chief Justice Pro Tem

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

Stephen J. Markman  
Brian K. Zahra  
Richard H. Bernstein  
Elizabeth T. Clement  
Megan K. Cavanagh,  
Justices

v

SC: 158225  
COA: 338299  
Oakland CC: 2014-249733-FC

FRANK EARL TYSON,  
Defendant-Appellant.

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On order of the Court, the motion for immediate consideration is GRANTED. The application for leave to appeal the June 19, 2018 judgment of the Court of Appeals is considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we VACATE the Court of Appeals judgment declining to consider the defendant's challenge to the proportionality of his departure sentence. Under *People v Steanhouse*, 500 Mich 453, 476 (2017), that court must review the departure sentence for an abuse of discretion, i.e., engage in a reasonableness review for an abuse of discretion informed by the "principle of proportionality." We REMAND this case to the Court of Appeals for plenary review of the defendant's claim that his sentence was not reasonable and proportionate.

We do not retain jurisdiction.



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

November 26, 2019

Clerk