

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

RENEE MARIE KING,

Defendant-Appellant.

UNPUBLISHED

April 1, 2014

No. 309974

Macomb Circuit Court

LC No. 2011-001495-FC

Before: GLEICHER, P.J., and SAAD and FORT HOOD, JJ.

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

I concur with the majority's resolution of defendant's challenges to her convictions. I write separately to express my belief that the trial court erred by failing to score defendant's convictions for first-degree criminal sexual conduct (CSC), MCL 750.520b(1)(a), and first-degree child abuse, MCL 750.136b(2). See *People v Johnigan*, 265 Mich App 463, 467; 696 NW2d 724 (2005) (Sawyer, J.), and *People v Getscher*, 478 Mich 887; 731 NW2d 768 (2007) (Markman, J., dissenting).

Additionally, because the sentence imposed for the CSC conviction qualified as an upward departure, the trial court was obligated to articulate substantial and compelling reason for the departure sufficient to permit appellate review. *People v Smith*, 482 Mich 292, 304; 754 NW2d 284 (2008). I would remand for the accomplishment of that task.

/s/ Elizabeth L. Gleicher