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STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

LARRY DEVONTE HARRIS,

Defendant-Appellant.

UNPUBLISHED
October 22, 2019

No. 344028
Kent Circuit Court
LC No. 17-010975-FH

Before: MARKEY, P.J., and BORRELLO and BOONSTRA, JJ.

BOONSTRA, J. (*concurring*).

I concur fully with the majority opinion. However, in light of the fact that the sentencing guidelines are now advisory (although still relevant to a trial court’s sentencing determination), I write separately to state that I continue to believe it to be more accurate to refer to the challenged sentence as an “out of guidelines sentence” because the framework for reviewing such sentences post-*People v Lockridge*, 498 Mich 358, 365; 870 NW2d 502 (2015), differs significantly from that which existed when the sentencing guidelines were mandatory. See *People v Lampe*, 327 Mich App 104, 133-135; ___ NW2d ___ (2019) (BOONSTRA, J., concurring); see also *People v Odom*, 327 Mich App 297, ___; ___ NW2d ___ (2019) (referring to the defendant’s sentence as an “out-of-guidelines sentence”).

/s/ Mark T. Boonstra