

IN THE SUPREME COURT

APPEAL FROM THE COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellant,

v

Docket No. 144979

DEVON DECARLOS GLENN, JR.,
Defendant-Appellee.

BRIEF ON APPEAL-APPELLEE

ORAL ARGUMENT REQUESTED

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STATEMENT OF QUESTIONS PRESENTED

I. DID THE COURT OF APPEALS CORRECTLY HOLD THAT THE TRIAL COURT ERRED IN ASSESSING DEFENDANT GLENN 50 POINTS FOR OFFENSE VARIABLE 7 WHERE NO “VICTIM WAS TREATED WITH SADISM, TORTURE, OR EXCESSIVE BRUTALITY OR CONDUCT DESIGNED TO SUBSTANTIALLY INCREASE THE FEAR AND ANXIETY A VICTIM SUFFERED DURING THE OFFENSE?”

Plaintiff says no. The Court of Appeals said yes. Defendant says yes.

II. WOULD AN UNFORESEEABLE JUDICIAL ENLARGEMENT OF MCL 777.37, APPLIED RETROACTIVELY, VIOLATE DUE PROCESS AND INFRINGE ON THE PROTECTIONS INHERENT IN THE EX POST FACTO CLAUSES OF THE UNITED STATES AND MICHIGAN CONSTITUTIONS. US CONST 1963, ART 1, § 10; CONST, ART 1, § 10. n1.

Plaintiff says no. The Court of Appeals would presumably say yes.

Defendant says yes.

STATEMENT OF MATERIAL PROCEEDINGS AND FACTS

In an information filed on October 8, 2009, the Jackson County Prosecutor charged Defendant-Appellant Devon Decarlos Glenn as follows: count 1, conspiracy to commit robbery-armed; count 2, robbery-armed; count 3, robbery-armed; count 4, assault with a dangerous weapon (felonious assault) and count 5, assault with a dangerous weapon (felonious assault), contrary to MCL 750.529 and MCL 750.157a, MCL 750.529, MCL 750.529, MCL 750.82 and MCL 750.82, respectively.

The parties reached an agreement where, in exchange for Glenn's truthful testimony at Kyle Ybarra's trial and guilty pleas to counts 2¹ and 4, the prosecutor agreed to dismiss counts 1, 3 and 5, along with the habitual offender third notice. The agreement also provided that Glenn would fully cooperate with a polygraph examination at the request of law enforcement or the Jackson County Prosecutor's Office. (12a-13a).

Glenn pled guilty on June 17, 2010 to count 2, as amended, and count 4. Glenn testified that he, Georval Pennington and Kyle Ybarra committed a robbery of Buddies Gas Station, located at South Wisner. (18a). He and Pennington went inside, while Ybarra "was in charge of driving the getaway vehicle." (19a). Glenn told complainants Ryan Guenther and Daniel Bucholtz to come behind the counter and to get the money out of the register. (19a).

¹Count 2 was amended to add complainant Daniel Bucholtz' name.

Glenn said he was holding an air soft shotgun which looked like a real sawed-off shotgun during the robbery. (19a). He then struck complainant Guenther in the back of the head with the butt of the gun, knocking him to the floor. (27a; Presentence Report). Complainant Bucholtz reported he was hit on the left side of his head with the butt of the shotgun. (28a; Presentence Report).

After taking money, Glenn and Pennington ran from the station, crossing West Avenue, where they came into contact with a vehicle with four occupants, *viz.*, Dan Szymanski, Debra Szymanski, Mary Boyce and Joseph Szymanski. (20a). Glenn testified that "Mr. Pennington put the gun to the car as I was yelling, "Keep it moving," and then we turned around and he said, "Gun," and we ran. (20a).

Devon Glenn testified against both co-defendants at their preliminary examination. As defense counsel noted, it is uncertain whether the prosecution would have gotten "bind-overs without his cooperation at that stage." Further, Glenn's cooperation and testimony were primary factors in securing co-defendant Pennington's subsequent guilty plea and co-defendant Ybarra's jury conviction. (52a).

Offense variable 7 (OV 7) was originally scored at zero points. However, the prosecutor objected at sentencing to the Probation Department's calculation, arguing that 50 points should be assessed because Glenn struck one clerk in the back of the head and the other in the face. The prosecutor argued that this conduct substantially increased the fear and anxiety the victims suffered during the offense. (53a-55a).

Defense Counsel argued in opposition that:

Your Honor, OV-7 requires sadism, torture, excessive brutality or conduct designed to substantially increase the fear and anxiety of a victim during a particular offense. It requires a little more than what took place in this case. I understand that, obviously, in every armed robbery case, there's a level of anxiety that occurs and there's no question about that. As far as any injuries, there were none. There's not even a scoring for bodily injury requiring any medical treatment.

And, again, I don't say that to justify what happened, but this is not the kind of circumstance where you see a scoring of 50 points.

(53a-54a).

Defense counsel noted that this increase in the guidelines practically tripled the guidelines "we've been dealing with and anticipating." He then asked for a one-week adjournment to afford him time to research "case law regarding" OV 7, but the Court denied the request. (56a). The Court granted the prosecution's motion and assessed Glenn 50 points for OV 7. (55a).

The prosecutor expressly stated on the record that except for Offense Variable 7, the People had no objections to the scoring of the sentencing guidelines. (55a).

The Court sentenced Devon Glenn to serve 15 to 30 years imprisonment on Count 2, armed robbery. He was sentenced to serve 18 to 48 months on Count 4, felonious assault. (62a).

Thereafter on January 29, 2011, Glenn filed a delayed application for leave to appeal challenging the trial court's scoring of offense variable (OV) 7.

The People filed an Answer to Defendant's Application for Delayed Leave to Appeal on February 23, 2011 which argued for the first time claims that had been expressly waived below, *viz.*, "mistakes in scoring OV 1, OV 2, OV 8, and OV 12 make up for any possible mistake in scoring OV 7."

Defendant moved the Court of Appeals for leave to file a reply to the People's answer on March 3, 2011. (The proposed reply brief was attached to the motion.) The People filed no answer opposing the motion.

In an order entered on March 28, 2011, the Court of Appeals granted defendant's leave-application "limited to the issues raised in the application" pursuant to MCR 7.205(D)(4) and also granted defendant's motion to file a reply to appellee's answer.

The Court of Appeals thereafter issued a published opinion on February 28, 2012 vacating defendant's sentence and remanding for resentencing. The Court held at 68a:

The plain language of OV 7 reveals that it was meant to be scored in particularly egregious cases involving torture, brutality, or similar conduct designed to *substantially* increase the victim's fear, not in every case in which some fear-producing action beyond the bare minimum necessary to commit the crime was undertaken.

The trial court erred by assessing 50 points for OV 7. Defendant is entitled to resentencing because the proper guidelines score results in a different recommended minimum sentence range. *People v Francisco*, 474 Mich 82, 89-90; 711 NW2d 44 (2006). [italics in original].

(68a, *People v Devon Decarlos Glenn, Jr.*, 295 Mich App 529; 814 NW2d 686 (2012)).

ARGUMENT

I. THE COURT OF APPEALS CORRECTLY HELD THAT THE TRIAL COURT ERRED IN ASSESSING DEFENDANT GLENN 50 POINTS FOR OFFENSE VARIABLE 7 WHERE NO “VICTIM WAS TREATED WITH SADISM, TORTURE, OR EXCESSIVE BRUTALITY OR CONDUCT DESIGNED TO SUBSTANTIALLY INCREASE THE FEAR AND ANXIETY A VICTIM SUFFERED DURING THE OFFENSE.”

Standards of Review: This court reviews *de novo* the application and statutory interpretation of the sentencing guidelines. *People v Hegwood*, 465 Mich 432, 436; 636 NW2d 127 (2001); *People v Lechleitner*, 291 Mich App 56, 62; 804 NW2d 345 (2010). Sentencing guideline scoring decisions are reviewed to determine whether the sentencing court properly exercised its discretion and whether the evidence adequately supported a particular score. *People v Steele*, 283 Mich App 472, 490; 769 NW2d 256 (2009).

Discussion

Offense variable 7 (OV 7) was originally scored at zero points. The Prosecution objected to the Probation Department’s calculation and moved for the assessment of 50 points because Glenn struck one clerk in the back of the head and the other in the face. The prosecutor argued that this conduct substantially increased the fear and anxiety the victims suffered during the offense. (53a-55a). Defense Counsel argued in opposition that:

Your Honor, OV-7 requires sadism, torture, excessive brutality or conduct designed to substantially increase the fear and anxiety of a victim during a particular offense. It requires a little more than what took place in this case. I understand that, obviously, in every armed robbery case, there’s a level of anxiety that occurs and there’s no question about that. As far as any injuries,

there were none. There's not even a scoring for bodily injury requiring any medical treatment.

And, again, I don't say that to justify what happened, **but this is not the kind of circumstance where you see a scoring of 50 points.** [emphasis supplied]

(53a-54a).

The Court granted the prosecution's request and assessed Mr. Glenn 50 points for OV 7.

Offense Variable 7 addresses aggravated physical abuse, and is to be scored at 50 points if the "victim was treated with sadism, torture, or excessive brutality or conduct designed to substantially increase the fear and anxiety a victim suffered during the offense."

MCL 777.37(1)(a) provides:

§ 777.37. Aggravated physical abuse; "sadism" defined.

Sec. 37. (1) Offense variable 7 is aggravated physical abuse. Score offense variable 7 by determining which of the following apply and by assigning the number of points attributable to the one that has the highest number of points:

(a) A victim was treated with sadism, torture, or **excessive brutality or conduct designed to substantially increase the fear and anxiety a victim suffered during the offense. . . 50 points**

(b) No victim was treated with sadism, torture, or excessive brutality or conduct designed to substantially increase the fear and anxiety a victim suffered during the offense. . . 0 points

(2) Count each person who was placed in danger of injury or loss of life as a victim.

(3) As used in this section, "sadism" means conduct that subjects a victim to extreme or prolonged pain or humiliation and is inflicted to produce suffering or for the offender's gratification. [emphasis supplied]

A statute is construed by giving effect to legislative intent as evidenced by the plain meaning of the language. *Halloran v Bhan*, 470 Mich 572, 576; 683 NW2d 129 (2004);

People v Morey, 461 Mich 325, 330; 603 NW2d 250 (1999). “Unless defined in the statute, every word or phrase therein should be accorded its plain and ordinary meaning, taking into account the context in which the words are used.” *People v Nimeth*, 236 Mich App 616, 620; 601 NW2d 393 (1999) (citation omitted).

A. Because the Victims Were Not Subjected to Extreme or Prolonged Pain or Humiliation, the Evidence Does Not Support a Scoring of 50 Points under Offense Variable 7 for Sadism.

The statute defines “sadism” in subsection (3) as “conduct that subjects a victim to extreme or prolonged pain or humiliation and is inflicted to produce suffering or for the offender’s gratification.” MCL 777.37(3). Devon Glenn’s “conduct does not meet the definition of “sadism” because no evidence showed that the victims were subject to extreme or prolonged pain or humiliation.” (*See* 66a, *People v Devon Decarlos Glenn, Jr.*, __ Mich App __; __ NW2d __ (2012)).

B. Because Glenn Did Not Inflict Excruciating Pain on the Victims, the Evidence Does Not Support a Scoring of 50 Points under Offense Variable 7 for Torture.

There was also no evidence showing that the victims had been subjected to torture.

As the Court of Appeals properly found at 66a that,

‘Torture’ is not defined by statute; therefore, this Court may consult a dictionary to determine its ordinary meaning. *People v Peals*, 476 Mich 636, 641; 720 NW2d 196 (2006). *Random House Webster’s College Dictionary* (2d ed, 1997) defines “torture” as “the act of inflicting excruciating pain, as punishment or revenge, as a means of getting a confession or information, or for sheer cruelty.” No evidence showed that defendant inflicted excruciating pain on the victims.

People v Devon Decarlos Glenn, Jr., 295 Mich App 529, 533; 814 NW2d 686, 689 (2012).

C. Because Glenn’s Conduct Was Not Savage or Inhuman in Comparison with Other Armed Robberies or Felonious Assaults, the Evidence Does Not Support a Scoring of 50 Points under Offense Variable 7 for Excessive Brutality.

The phrase “excessive brutality” is not statutorily defined. Where “terms are not expressly defined by a statute, a court may consult dictionary definitions.” *People v Denio*, 454 Mich 691, 699; 564 NW2d 13 (1997). The primary definition of “brutality” found in *The American Heritage Dictionary of the English Language* (1996) is, the “state or quality of being ruthless, cruel, harsh, or unrelenting.” *The Oxford English Reference Dictionary* (1996) defines “brutality” as “savagely or coarsely cruel.” “Excessive” means “[e]xceeding a normal, usual, reasonable, or proper limit.” *The American Heritage Dictionary of the English Language* (1996).

“Thus, excessive brutality means savagery or cruelty beyond even the ‘usual’ brutality of a crime.” (67a, *People v Devon Decarlos Glenn, Jr.*, __ Mich App __; __ NW2d __ (2012)). Here, both store clerks were struck once in the head. However, “As far as any injuries, there were none. There’s not even a scoring for bodily injury requiring any medical treatment.” (54a). (See also 39a-40a, Defendant Glenn’s Presentence Investigation Report for Daniel Bucholtz’s Victim Impact Statement). The within offenses, therefore, were not savage or inhuman when compared to other like offenses.

D. Because Glenn’s Conduct Was Not Designed to Cause the Victims Copious or Plentiful Amounts of Fear, the Trial Court Erroneously Assessed 50 Points under Offense Variable 7 for Conduct “Designed to Substantially Increase the Fear and Anxiety Suffered During the Offense.”

The People argue that Glenn’s conduct was “designed to substantially increase the fear and anxiety suffered during the offense.” In rejecting this contention, the Court of Appeals noted that all crimes against “a person involve the infliction of a certain amount of fear and anxiety.” However, “OV 7 is designed to respond to particularly heinous instances in which the criminal acted to increase that fear by a substantial or considerable amount.” (68a, *People v Devon Decarlos Glenn, Jr.*, __Mich App__; __NW2d__(2012)).

The Court of Appeals explained the framework for analyzing whether conduct was designed to substantially increase the fear and anxiety suffered during the offense as follows:

‘Substantial’ means ‘of ample or considerable amount, quantity, size, etc.’ *Id. Random House Webster’s College Dictionary* (1997). ‘Ample,’ in turn, is defined as ‘plentiful[;] . . . liberal; copious[.]’ *Id.* Therefore, defendant’s conduct would have substantially increased the victims’ fear only if the conduct was designed to cause copious or plentiful amounts of additional fear. **Further, ‘[w]hen construing a series of terms . . . we are guided by the principle ‘that words grouped in a list should be given related meaning.’** *Griffith v State Farm Mut Auto Ins Co*, 472 Mich 521, 533; 697 NW2d 895 (2005). . . That is, while the term at issue must have a meaning independent of ‘sadism,’ ‘torture,’ and ‘excessive brutality,’ it should nonetheless be construed to cover similarly egregious conduct. [emphasis supplied]

(67a, *People v Devon Decarlos Glenn, Jr.*, __Mich App__; __NW2d__(2012)). The evidence established that Glenn told victim-store clerks Guenther and Bucholtz to come behind the counter and to get the money out of the register. (19a). Glenn said

he was holding an air soft shotgun which looked like a real sawed-off shotgun during the robbery. (19a). He then struck complainant Guenther in the back of the head with the butt of the gun, knocking him to the floor. (27a, Presentence Report). Complainant Bucholtz reported he was hit on the left side of his head with the butt of the shotgun. (28a, Presentence Report).

In finding this conduct was not designed to substantially increase the fear and anxiety the victims suffered during the offense, the People argue that the Court of Appeals “sets too high a bar.” (Application for Leave to Appeal, p. 3). However, as the Court of Appeals noted “an overly broad reading of the term at issue would obviate the need for the other terms in the list.” Clearly, any interpretations that would render any part of the statute surplusage or nugatory must be avoided. (67a, *People v Devon Decarlos Glenn, Jr.*, __ Mich App __; __ NW2d __ (2012)).

E. Cases Upholding Scores of 50 Points for OV 7 Are Clearly Distinguishable on the Facts.

Cases upholding scores of 50 points for OV 7 are clearly distinguishable because they involve victims who were subjected to specific acts of sadism, torture, or excessive, extreme or prolonged brutality. *See e.g., People v Horn*, 279 Mich App 31, 46-48; 755 NW2d 212 (2008) (defendant terrorized and abused his wife with recurring and escalating acts of violence including threatening to kill her); *People v Mattoon*, 271 Mich App 275, 276; 721 NW2d 269 (2006) (defendant held the victim at gunpoint for nine hours, made her look

down the barrel of a gun, repeatedly threatened to kill her and himself, and asked her what her son would feel like when he saw yellow crime tape around his mother's house).

See also, *People v Wilson*, 265 Mich App 386, 396-398; 695 NW2d 351 (2005) (defendant choked the victim a number of times, cut her, dragged her, and kicked her in the head; after her hospital stay, she was in a wheelchair for three weeks and used a cane for another three weeks); *People v Kegler*, 268 Mich App 187, 189-190; 706 NW2d 744 (2005) (defendant removed the victim's clothes, assisted with carrying him naked outside and placing the body in the trunk of her car, and admitted that she wanted to humiliate him by leaving him outside naked); *People v James*, 267 Mich App 675, 680; 705 NW2d 724, (2005) (defendant repeatedly stomped on the victim's face and chest and deprived the victim of oxygen for several minutes causing the victim to sustain brain damage and remain comatose). And, in *People v Hornsby*, 251 Mich App 462, 468-469; 650 NW2d 700 (2002) (defendant pointed a gun at the victim, cocked it, and repeatedly threatened the victim and others in the store).

F. The Unpublished Opinions Cited by the People Are, Likewise, Distinguishable Because the Offenders' Conduct Was Excessively Cruel, Harsh and Severe.

The People claim that it "is difficult to reconcile"² the Court of Appeals decision here with two of its earlier unpublished opinions, *i.e.*, *People v Keenan Omar King*, unpublished

²(Appellant's Brief, p. 5).

279809) and *People v Darron Lamar Hereford*, unpublished opinion per curiam of the Court of Appeals, issued January 28, 2003 (Docket No. 227296, which are attached to Appellant's Brief). However, these cases can be easily reconciled because they evidence extreme brutality and/or heinous conduct committed to increase the victims' fear by a substantial amount.

In *King*, the defendant's convictions arose from a robbery at the home of Germaine Overton. Three intruders entered the home shortly after Overton, Carita Keene, and Overton's two sons, ages nine and 11, arrived home late that night. King and another intruder rushed Overton and knocked him to the ground. King then hit Overton over the head with a gun and knelt over him, still holding the gun. *They then dragged Overton into the dining room and pointed a gun to his neck.*

A third intruder meanwhile swung a gun at Keene to hit her. Keene tried to escape with the two boys, but one of the intruders stopped them in the kitchen. The gunmen held Keene and the boys on the floor, against the wall, and demanded Keene's jewelry and cell phone. King and his two accomplices then took Overton, Keene, and the two boys upstairs into a bedroom. They took Overton's jewelry and then searched his pockets, taking approximately \$800 in cash.

Unlike Glenn, King's conduct throughout the course of the robbery was excessively cruel, harsh, and severe. In addition to confronting Overton and Keene with a gun in the

presence of his young children, King hit Overton over the head with the gun, forced him to the floor, pointed the gun at his neck while kneeling over him and demanding money, and then dragged him throughout the house. Further, one of King's accomplices attempted to strike Keene with a gun. Keene and the two children were also forced against a wall at gunpoint and then taken upstairs. Accordingly, the offense conduct warranted scoring 50 points for OV 7 in *King*.

The same obtains in *Hereford*. There, the defendant and two codefendants were charged with committing an armed robbery at a restaurant. The evidence established that a gun was pointed at both victims during the robbery, that a robber used the gun to strike one victim on the back of his head and that the victims feared for their lives. Moreover, the robbers *fired the gun* during robbery.

The firing of the gun dramatically heightened the victims' fear of imminent death. This conduct was excessively cruel, harsh, and severe and is clearly distinguishable from the instant case.

G. The Inaccurate Factual Predicate for this Sentencing Offends the Dictates of Due Process.

Eliminating the erroneous points on OV 7 **reduces the guidelines from 126-210 months to 81-135 months, i.e., from offense level V to offense level III.** (56a). The incorrect and substantially higher guidelines range obviously had an adverse impact on sentencing. Resentencing is required when the correction of an erroneous score results in

a different sentencing range. *People v Francisco*, 474 Mich 82, 89 n 8; 711 NW2d 44 (2006).

Defendant's sentencing was based on a factually inaccurate premise. Due process requires that a sentence be based on proper, valid, and accurate information. *United States v Tucker*, 404 US 443; 92 S Ct 589; 30 L Ed 2d 592 (1972); *United States v Safirstein*, 827 F2d 1380, 1385 (CA 9, 1987) (abuse of discretion to impose maximum sentence based upon groundless inference of defendant's involvement in drug trafficking). The inaccurate factual basis for this sentencing offends the dictates of due process.

II. AN UNFORESEEABLE JUDICIAL ENLARGEMENT OF MCL 777.37, APPLIED RETROACTIVELY, VIOLATES DUE PROCESS AND INFRINGES ON THE PROTECTIONS INHERENT IN THE EX POST FACTO CLAUSES OF THE UNITED STATES AND MICHIGAN CONSTITUTIONS. US CONST 1963, ART I, § 10; CONST, ART 1, § 10. n1.

Standard of Review: The *de novo* standard is applied in construing constitutional provisions. *Seals v Henry Ford Hospital*, 123 Mich App 329; 333 NW2d 272 (1983).

Discussion

In *Marks v United States*, 430 US 188; 97 S Ct 990; 51 L Ed 2d 260 (1977), the United States Supreme Court observed that while the Ex Post Facto Clauses do not directly apply to the judiciary, the principles of fair warning of that conduct which will give rise to criminal penalties are applicable to the judiciary by analogy through the Due Process Clauses of the Fifth and Fourteenth Amendments.

Therefore:

[A]n unforeseeable judicial enlargement of a criminal statute, applied retroactively, operates precisely like an ex post facto law, such as Art. I, § 10, of the Constitution forbids. . . . If a state legislature is barred by the Ex Post Facto Clause from passing such a law, it must follow that a State Supreme Court is barred by the Due Process Clause from achieving precisely the same result by judicial construction.

Bouie v City of Columbia, 378 US 347, 353-354; 84 S Ct 1697; 12 L Ed 2d 894 (1964).

As demonstrated in foregoing argument, there has been substantial litigation over the years regarding the interpretation and application of OV7. This body of authority clearly supports the Court of Appeals' decision that:

The plain language of OV 7 reveals that it was meant to be scored in particularly egregious cases involving torture, brutality, or similar conduct designed to *substantially* increase the victim's fear, not in every case in which some fear-producing action beyond the bare minimum necessary to commit the crime was undertaken.

(68a).

The People now seek to dramatically increase Devon Glenn's punishment without fair warning, at the time of the offense, of what constituted "conduct designed to substantially increase the fear and anxiety a victim suffered during the offense." Such a position is "unexpected and indefensible by reference to the law which had been expressed prior to the conduct in issue." *Bouie v City of Columbia*, 378 US at 353-354. For this reason, a retroactive enlargement of MCL 777.37 would violate due process and infringe on the protections inherent in the Ex Post Facto clauses of the United States and Michigan Constitutions. US Const 1963, Art I, § 10; Const, Art 1, § 10. n1.

CONCLUSION AND RELIEF REQUESTED

The statutory sentencing guidelines clearly circumscribe official decision-making, by substantially limiting the trial courts' discretion, in explicitly mandatory language. The legislative scheme shows that the goal is not merely procedural, but the protection of a substantive end: the elimination of sentencing disparity.

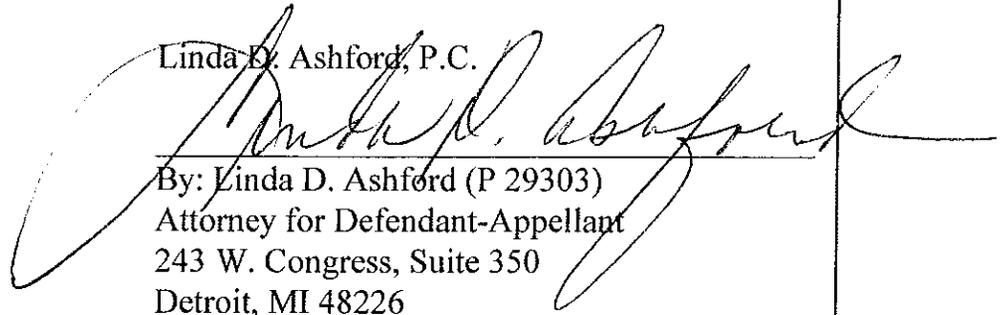
In reaching its determination that Defendant Glenn's sentence must be vacated and remanded for resentencing, the Court of Appeals crafted a well-reasoned, scholarly opinion. Its determination, based on a body of precedent spanning a decade or so, reaffirmed that "The plain language of OV 7 reveals that it was meant to be scored in particularly egregious cases involving torture, brutality, or similar conduct designed to *substantially* increase the victim's fear, not in every case in which some fear-producing action beyond the bare minimum necessary to commit the crime was undertaken." (68a)

Further, a retroactive enlargement of MCL 777.37 would violate due process and infringe on the protections inherent in the Ex Post Facto clauses of the United States and Michigan Constitutions. US Const 1963, Art I, § 10; Const, Art 1, § 10. n1.

For all of the foregoing reasons, this Court should affirm the decision of the Court
of Appeals.

Respectfully submitted,

Linda D. Ashford, P.C.

A large, stylized handwritten signature in black ink, appearing to read "Linda D. Ashford", is written over a horizontal line. The signature is fluid and cursive, with a long horizontal tail extending to the right.

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Dated: September 20, 2012