

Court of Appeals, State of Michigan

ORDER

People of MI v Matthew Christopher Williamson

Docket No. 301273

LC No. 09-013316-FC

Joel P. Hoekstra
Presiding Judge

David H. Sawyer

Jane M. Beckering
Judges

Pursuant to MCR 7.205(D)(2), in lieu of granting the delayed application for leave to appeal, the Court orders that the November 23, 2009 judgment of sentence of the Wayne Circuit Court is VACATED and this matter is REMANDED for resentencing. The 28-year minimum sentence imposed by the circuit court exceeds two-thirds of the 40-year maximum imposed and, therefore, the minimum sentence violates of MCL 769.34(2)(b) and *People v Tanner*, 387 Mich 683; 199 NW2d 202 (1972). On remand, the trial court shall resentence defendant in accordance with *People v Thomas*, 447 Mich 390; 523 NW2d 215 (1994), which provides that the proper remedy for a *Tanner* violation is a reduction in the minimum sentence. This order has immediate effect. MCR 7.215(F)(2). We do not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN - 5 2011

Date

Sandra Schultz Mengel
Chief Clerk