

# Court of Appeals, State of Michigan

## ORDER

People of MI v Devontae Eshan Long

Docket No. 305432

LC No. 10-007650-02-FC

William B. Murphy, C.J.  
Presiding Judge

Jane E. Markey

Jane M. Beckering  
Judges

---

Pursuant to MCR 7.205(D)(2), in lieu of granting the delayed application for leave to appeal, the Court VACATES the August 9, 2010, order of probation. The trial court was without authority to impose a two-year prison term as a condition of probation. MCL 762.13 unequivocally provides that once a court places a juvenile on youthful trainee status, it must choose only one of the alternatives stated in subsection (1) of that statute, and none of those alternatives permit both a prison term and probation.

The matter is REMANDED for resentencing. The circuit court shall resentence defendant within 21 days of the date this order is certified by the Clerk of the Court. This order shall have immediate effect. MCR 7.215(F)(2). We do not retain jurisdiction.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

NOV 10 2011

Date

  
Chief Clerk