

Court of Appeals, State of Michigan

ORDER

People of MI v Johnathan Douglas Bryant

Docket No. 306033

LC No. 10-003074-FC; 10-003076-FC

Michael J. Talbot
Presiding Judge

Christopher M. Murray

Cynthia Diane Stephens
Judges

Pursuant to MCR 7.205(D)(2), the Court REMANDS this matter for RESENTENCING, at which the trial court judge shall either articulate on the record the reasons for imposing lengthier sentences on resentencing to overcome the presumption of vindictiveness, see *People v Lyons (After Remand)*, 222 Mich App 319, 323; 564 NW2d 114 (1997), or resentence defendant-appellant to the 48-month minimum terms as initially imposed. The Court does not retain jurisdiction.

Stephens, J., would deny the delayed application for leave to appeal.



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

OCT 19 2011

Date

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line. Below the line, the words "Chief Clerk" are printed.

Chief Clerk