

# Court of Appeals, State of Michigan

## ORDER

People of MI v Demarcus Lamar Walker

Docket No. 308842

LC No. 10-027538-FC

William C. Whitbeck  
Presiding Judge

Donald S. Owens

Michael J. Kelly  
Judges

---

The Court orders that, pursuant to MCR 7.205(D)(2) and in lieu of granting the delayed application for leave to appeal, defendant's sentence is VACATED and the matter is REMANDED to the circuit court for resentencing. At resentencing, the circuit court shall either sentence defendant in accordance with the plea agreement or "state the sentence that the court finds to be the appropriate disposition" and "then give the defendant the opportunity to affirm or withdraw his guilty plea." *People v Killebrew*, 416 Mich 189, 209-210; 330 NW2d 834 (1983). Defendant's motion to remand is GRANTED, in part, as it pertains to the sentencing agreement. This order has immediate effect. MCR 7.215(F)(2).

In all other respects the application and motion are DENIED for lack of merit in the grounds presented. We do not retain jurisdiction.



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

MAY 18 2012

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