

Court of Appeals, State of Michigan

ORDER

People of MI v Gram Alexander Benton

Docket No. 310050

LC No. 11-002354-FH; 11-006867-FC

Jane E. Markey
Presiding Judge

William B. Murphy

Mark T. Boonstra
Judges

In lieu of granting defendant's delayed application for leave to appeal, this Court orders that the matter is REMANDED to permit the trial court to perform the ministerial task of amending the judgment of sentence to correct the clerical error that imposed a concurrent sentence for the first-degree home invasion conviction, instead of the consecutive sentence imposed by the trial court at sentencing. MCR 6.435(a).

The motion to allow the filing of defendant's in pro per motion to remand is GRANTED. However, because the six-month time period to file a motion to withdraw has expired, defendant is required to "seek relief only in accordance with the procedure set forth in subchapter 6.500." MCR 6.310(C). Accordingly, defendant's motion to remand to permit the filing of a motion to withdraw is DENIED as moot.

In all other respects, the delayed application for leave to appeal is DENIED for lack of merit on the grounds presented. We do not retain jurisdiction.



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

SEP 28 2012

Date


Chief Clerk