

# Court of Appeals, State of Michigan

## ORDER

People of MI v Justin Tyree Kates

Docket No. 308598

LC Nos. 10-008353-FC; 11-000216-FH

David H. Sawyer  
Presiding Judge

William B. Murphy, C.J.

Joel P. Hoekstra  
Judges

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The Court orders that, in lieu of granting the delayed application for leave to appeal, the April 19, 2011, orders of probation are VACATED and the cases are REMANDED to the trial court for resentencing. The trial court was without authority to place defendant on probation for five years and impose a three-year prison term as a condition of probation. MCL 762.13(1).

The trial court shall resentence defendant in each case in accordance with MCL 762.13(1) 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

JAN 30 2013

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