

Court of Appeals, State of Michigan

ORDER

People of MI v Timmy Lynn Soto

Docket No. 339797

LC No. 16-004598-01-FC

Michael J. Talbot
Presiding Judge

Kirsten Frank Kelly

Thomas C. Cameron
Judges

The Court orders that in lieu of granting the delayed application for leave to appeal, this case is REMANDED to the trial court for further proceedings consistent with this order. MCR 7.205(E)(2). The trial court did not explain its decision to impose a 38-year minimum sentence for the second-degree murder conviction as opposed to the 30-year minimum sentence agreed to in the sentence agreement as articulated at the plea proceeding. On remand, the trial court shall either enter an amended judgment of sentence imposing the agreed upon 30-year minimum sentence or, if it determines that a 30-year minimum sentence is too lenient and it is unwilling to impose such a minimum sentence, allow defendant an opportunity to withdraw his plea and proceed to trial. MCR 6.302(C)(3); *People v Martinez-Vasconcel*, 497 Mich 1018; 862 NW2d 231 (2015). In all other respects the delayed application for leave to appeal is DENIED for lack of merit in the grounds presented.

We do not retain jurisdiction.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

OCT 02 2017

Date

Chief Clerk