

Court of Appeals, State of Michigan

ORDER

People of MI v Horace Demario Collins

Docket No. 343342

LC No. 14-006374-FC

Amy Ronayne Krause
Presiding Judge

Peter D. O'Connell

Brock A. Swartzle
Judges

The Court orders that the motion for reconsideration is GRANTED, and this Court's July 11, 2018 order is VACATED.

Further, in lieu of granting the delayed application for leave to appeal, the October 16, 2017 trial court order reaffirming defendant's sentencing is VACATED and this case is REMANDED to the trial court for reconsideration of whether to resentence defendant consistent with this order. MCR 7.205(E)(2). Because the decision whether to resentence defendant is being made by a newly assigned judge, as opposed to the original sentencing judge, on remand the new trial court judge must allow defendant an opportunity to personally appear before the trial court and be heard before making the decision whether to resentence him. *People v Howard*, ___ Mich App ___; ___ NW2d ___ (Docket No. 336150, issued February 27, 2018).

We do not retain jurisdiction.



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

AUG 24 2018

Date

Chief Clerk