

Court of Appeals, State of Michigan

ORDER

People of MI v John Earl Thompson

Docket No. 346277

LC No. 17-041159-FC

Mark T. Boonstra
Presiding Judge

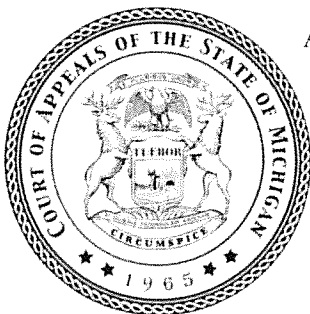
David H. Sawyer

Douglas B. Shapiro
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 resentencing because the trial court's comment regarding the maximum sentence imposed for defendant's conviction indicates a lack of recognition of its discretion as to the length of the maximum sentence based on its reference to "the state dictated maximum for this crime." On remand, the trial court shall exercise its discretion in setting defendant's maximum sentence, recognizing that, while it has discretion to increase the maximum sentence imposed on an habitual offender, it is not required to do so. *People v Turski*, 436 Mich 878; 461 N2d 366 (1990). In all other respects the delayed application for leave to appeal is DENIED for lack of merit in the grounds presented.

The motion to remand is DENIED as moot in light of the peremptory relief granted as to the delayed application for leave to appeal.

We do not retain jurisdiction.



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

DEC 13 2018

Date


Chief Clerk