

Court of Appeals, State of Michigan

ORDER

People of MI v Ardell Robinson III

Docket No. 351628

LC No. 19-000400-FH

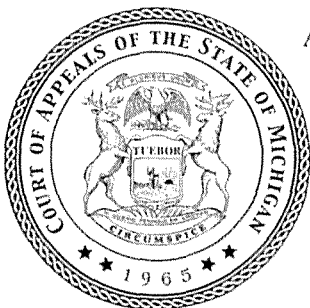
Amy Ronayne Krause
Presiding Judge

Michael F. Gadola

Brock A. Swartzle
Judges

The Court orders that in lieu of granting the delayed application for leave to appeal, MCR 7.205(E)(2), this case is REMANDED to the trial court for resentencing, particularly as to whether the sentences in this case should be made consecutive to the sentence imposed on defendant in Jackson Circuit Court Case Number 18-002461-FH. The trial court's remarks at sentencing appear to indicate that it imposed the sentences in the present case consecutively to the sentence in the 18-002461-FH file merely because defendant was on parole at the time of the commission of the crimes in this case. But, because defendant was not on parole as to the conviction in the 18-002461-FH file, MCL 768.7a(2) did not require consecutive sentencing as to the sentences in the present case with the sentence imposed in the 18-002461-FH file. While the trial court may have had discretion under MCL 768.7b(2)(a) to make the sentences in the present case run consecutively with the sentence imposed in the 18-002461-FH file the trial court's remarks at sentencing do not reflect that to be the basis for the relevant consecutive sentencing. Thus, we conclude that defendant is entitled to resentencing in the present case.

We do not retain jurisdiction.



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

JAN 16 2020

Date


Chief Clerk