

Order

Michigan Supreme Court
Lansing, Michigan

May 2, 2016

Robert P. Young, Jr.,
Chief Justice

151037

Stephen J. Markman
Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Joan L. Larsen,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 151037
COA: 323993
Wayne CC: 84-004678-FC

TIMOTHY JORDAN,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the December 19, 2014 order of the Court of Appeals is considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we VACATE the sentence of the Wayne Circuit Court on the defendant's first-degree murder conviction, and we REMAND this case to the trial court for resentencing on that conviction pursuant to MCL 769.25 and MCL 769.25a. See *Miller v Alabama*, 567 US ___; 132 S Ct 2455; 183 L Ed 2d 407 (2012); and *Montgomery v Louisiana*, 577 US ___; 136 S Ct 718; 193 L Ed 2d 599 (2016). We note that the Court of Appeals erred in dismissing the defendant's delayed application for leave to appeal under MCR 6.502(G) because this was the defendant's first motion for relief from judgment since August 1, 1995.

We do not retain jurisdiction.



s0418

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

May 2, 2016


Clerk