

Order

Michigan Supreme Court
Lansing, Michigan

November 16, 2017

Stephen J. Markman,
Chief Justice

151587

Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Kurtis T. Wilder,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 151587
COA: 324817
Kent CC: 08-006820-FC

CORY LEE SOUDERS,
Defendant-Appellant.

By order of September 27, 2016, the application for leave to appeal the March 25, 2015 order of the Court of Appeals was held in abeyance pending the decision in *People v Comer* (Docket No. 152713). On order of the Court, the case having been decided on June 23, 2017, 500 Mich 278 (2017), the application is again considered. Pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we VACATE the October 20, 2014 order of the Kent Circuit Court revoking the amended judgment of sentence, and we REMAND this case to the trial court to reinstate the September 15, 2014 amended judgment of sentence. Any error in the entry of that judgment of sentence was substantive, not clerical. Therefore, the trial court did not have authority to revoke that judgment of sentence on its own initiative after entry. *Comer, supra*. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining question presented should be reviewed by this Court.

We do not retain jurisdiction.



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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.

November 16, 2017

Handwritten signature of Larry S. Royster in black ink.

Clerk