

# Order

Michigan Supreme Court  
Lansing, Michigan

June 28, 2016

Robert P. Young, Jr.,  
Chief Justice

152089(21)

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: 152089  
COA: 327464  
Kent CC: 14-002144-FH

JOSEPH ALAN LUNSFORD,  
Defendant-Appellant.

---

On order of the Court, the motion for reconsideration of this Court's March 8, 2016 order is considered, and it is GRANTED. We VACATE our order dated March 8, 2016. On reconsideration, the application for leave to appeal the June 24, 2015 order of the Court of Appeals is considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we REMAND this case to the Kent Circuit Court to determine whether the court would have imposed a materially different sentence under the sentencing procedure described in *People v Lockridge*, 498 Mich 358 (2015). On remand, the trial court shall follow the procedure described in Part VI of our opinion. If the trial court determines that it would have imposed the same sentence absent the unconstitutional restraint on its discretion, it may affirm the original sentence. If, however, the trial court determines that it would not have imposed the same sentence absent the unconstitutional restraint on its discretion, it shall resentence the defendant. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court.

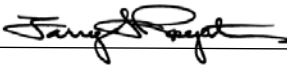
We do not retain jurisdiction.



p0620

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.

June 28, 2016

  
Clerk