

Order

Michigan Supreme Court
Lansing, Michigan

June 22, 2016

Robert P. Young, Jr.,
Chief Justice

153125 & (181)(182)(183)
(192)(193)(194)(201)(202)

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

DAVID MAURICE LYONS,
Defendant-Appellant.

SC: 153125
COA: 319252
Macomb CC: 2013-000809-FC

On order of the Court, the motion for immediate consideration is GRANTED. The motion to supplement the application for leave to appeal is DENIED. The application for leave to appeal the October 22, 2015 judgment of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court. The motion to remand for resentencing is GRANTED, in part, and we REMAND this case to the Macomb 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 constraint on its discretion, it may reaffirm the original sentence. If, however, the trial court determines that it would not have imposed the same sentence absent the unconstitutional constraint on its discretion, it shall resentence the defendant. The motion for peremptory reversal, the motions to remand, and the motion for reissuance of the judgment are DENIED.

We do not retain jurisdiction.



a0615

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 22, 2016


Clerk