

Order

Michigan Supreme Court
Lansing, Michigan

December 30, 2019

Bridget M. McCormack,
Chief Justice

153733

David F. Viviano,
Chief Justice Pro Tem

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

Stephen J. Markman
Brian K. Zahra
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh,
Justices

v

SC: 153733
COA: 331222
Livingston CC: 15-022673-FC

SABREYIA ALTERESE COLLINS,
Defendant-Appellant.

By order of May 29, 2018, the application for leave to appeal the March 22, 2016 order of the Court of Appeals was held in abeyance pending the decision in *People v Ames* (Docket No. 156077). On order of the Court, leave to appeal having been denied in *Ames* on June 26, 2019, 504 Mich 899 (2019), the application is again considered. Pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we REMAND this case to the Livingston Circuit Court. The trial court imposed a 30-year maximum sentence for the defendant's conviction of unarmed robbery, MCL 750.530, as enhanced by MCL 769.11, stating that the maximum is set by statute. It is unclear whether the trial court recognized its discretion, pursuant to MCL 769.11(1)(a), to impose a lesser maximum sentence. On remand, the trial court shall either issue an order clarifying that it deliberately exercised its discretion to impose the 30-year maximum term, or 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.



s1226

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.

December 30, 2019

Clerk