

Order

Michigan Supreme Court
Lansing, Michigan

October 3, 2017

Stephen J. Markman,
Chief Justice

154888 & (150)

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

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 154888
COA: 321355
Macomb CC: 2013-003660-FC

JAMAL IBAN WILLIAMS,
Defendant-Appellant.

On order of the Court, the motion to file additional pro per supplement is GRANTED. By order of March 7, 2017, the application for leave to appeal the August 9, 2016 judgment of the Court of Appeals was held in abeyance pending the decision in *People v Comer* (Docket No. 152713). The case having been decided on June 23, 2017, 500 Mich ___ (2017), the application is again considered. Pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we REVERSE that part of the Court of Appeals judgment addressing the trial court's *sua sponte* order for resentencing, VACATE the June 11, 2014 judgment of sentence, and REMAND this case to the Macomb Circuit Court to reinstate the April 2, 2014 judgment of sentence. In *Comer*, we held that correcting an invalid sentence by adding a statutorily mandated term is a substantive correction that a trial court may make on its own initiative only before judgment is entered. In this case, the trial court did not have authority to *sua sponte* order resentencing to impose a mandatory minimum habitual offender sentence under MCL 769.12. 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.



d0925

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.

October 3, 2017

Clerk