

Order

Michigan Supreme Court
Lansing, Michigan

March 27, 2020

Bridget M. McCormack,
Chief Justice

158853

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: 158853
COA: 339701
Wayne CC: 87-004693-FH

RONALD WILLIAMS,
Defendant-Appellant.

By order of April 5, 2019, the application for leave to appeal the November 29, 2018 judgment of the Court of Appeals was held in abeyance pending the decision in *People v Turner* (Docket No. 158068). On order of the Court, that case having been decided on January 17, 2020, ___ Mich ___ (2020), the application is again considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals holding that the defendant was not entitled to resentencing, and we REMAND this case to the Wayne Circuit Court for further proceedings not inconsistent with this order. The defendant was not required to file a motion for relief from judgment to challenge his sentence for second-degree murder that was imposed concurrently to his sentence for first-degree murder committed when he was less than 18 years old. *People v Turner, supra*. The trial court had jurisdiction to consider his arguments concerning his second-degree murder sentence at the resentencing for first-degree murder held pursuant to MCL 769.25a and *Miller v Alabama*, 567 US 460 (2012). On remand, the trial court shall consider whether the sentence for second-degree murder was based on a legal misconception that the defendant was required to serve a mandatory sentence of life without parole for first-degree murder. If so, the trial court may exercise its discretion to resentence the defendant for second-degree murder. 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.



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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.

March 27, 2020

Clerk