

# Order

Michigan Supreme Court  
Lansing, Michigan

March 27, 2020

Bridget M. McCormack,  
Chief Justice

160203 & (21)

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: 160203  
COA: 348752  
Wayne CC: 87-012668-FH

LYNN McNEAL,  
Defendant-Appellant.

---

On order of the Court, the motion for immediate consideration is GRANTED. The application for leave to appeal the September 3, 2019 order of the Court of Appeals is considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we REVERSE the order of the Court of Appeals, 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, imposed concurrently to his sentence for a first-degree murder committed when he was under the age of 18. See *People v Turner*, \_\_\_ Mich \_\_\_ (2020) (Docket No. 158068). The trial court had jurisdiction to consider his arguments regarding 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 the defendant's arguments regarding the validity of his second-degree murder sentence and exercise its discretion whether to resentence him for that conviction, in particular "if it finds that the sentence was based on a legal misconception that the defendant was required to serve a mandatory sentence of life without parole on the greater offense." *Turner, supra*.

We do not retain jurisdiction.



t0323

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