

Order

Michigan Supreme Court
Lansing, Michigan

October 15, 2010

Marilyn Kelly,
Chief Justice

139658

Michael F. Cavanagh
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway
Alton Thomas Davis,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 139658
COA: 292223
St Clair CC: 07-002579-FH

TERRENCE LAMAR RUFFIN,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the August 13, 2009 order of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we VACATE the sentence of the St. Clair Circuit Court and we REMAND this case to that court and direct that court either to grant the defendant the opportunity to withdraw his plea or to resentence the defendant, on the maximum term only, to a 30-year maximum, for the reason that the defendant was misinformed at his plea hearing that his maximum possible sentence was 30 years, and the prosecutor concedes that resentencing the defendant to a maximum of 30 years is an appropriate remedy. See *People v Turski*, 436 Mich 878 (1990) (“A trial court, when sentencing a defendant as an habitual offender, must exercise its discretion in setting the maximum sentence, that is, it is not required by law to increase the maximum sentence.”). In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining question presented should be reviewed by this Court.



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I, Corbin R. Davis, 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 15, 2010

Corbin R. Davis

Clerk