

Court of Appeals, State of Michigan

ORDER

People of MI v Jason Harold Lyons

Docket No. 279900

LC No. 05-026205-FH

Michael R. Smolenski
Presiding Judge

Richard A. Bandstra

Jane E. Markey
Judges

Pursuant to MCR 7.205(D)(2), in lieu of granting the delayed application for leave to appeal, the Court orders that the Appellant's sentence is VACATED. This matter is REMANDED to the Saginaw Circuit Court for resentencing. The sentencing court is directed to address Appellant's jail credit argument in light of *People v Resler*, 210 Mich App 24; 532 NW2d 907 (1995). This order takes immediate effect. MCR 7.215(F)(2). The Court does not retain jurisdiction.

Smolenski, P.J., would deny the delayed application for leave to appeal.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

SEP 12 2007

Date

Sandra Schultz Mengel
Chief Clerk