

# Court of Appeals, State of Michigan

## ORDER

In re Wilson

Docket No. 314258

LC No. 08-005957-FH

Michael J. Talbot  
Presiding Judge

Kirsten Frank Kelly

Michael J. Riordan  
Judges

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The Court orders that the complaint for superintending control is DENIED. This Court previously denied for lack of merit plaintiff's challenge to the sentencing procedure. *People of MI v David Woodrow Wilson*, unpublished order dated November 17, 2009 (Docket No. 294595). That ruling will not be differently decided in this subsequent matter where the facts remain materially the same. *People v Hermiz*, 235 Mich App 248, 254; 597 NW2d 218 (1999). Where plaintiff was subject to a valid sentence, the circuit court does not have a clear legal duty to provide the additional sentencing procedures requested by plaintiff.

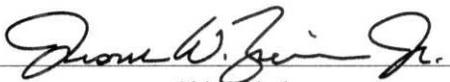
On the Court's own motion, the April 12, 2013, order of the Wayne Circuit Court granting mandamus and/or superintending control and remanding for resentencing is VACATED. As noted above, plaintiff's sentence was valid. A court may not modify a valid sentence after it has been imposed except as provided by law. MCR 6.429(A); *People v Catanzarite*, 211 Mich App 573, 582-583; 536 NW2d 570 (1995). The law does not provide for resentencing under these circumstances.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

AUG 15 2013

Date

  
Chief Clerk