

Court of Appeals, State of Michigan

ORDER

People of MI v Dominique LaJuan Essix

Docket No. 327841

LC No. 2013-001635-FH

Jane E. Markey
Presiding Judge

Joel P. Hoekstra

Douglas B. Shapiro
Judges

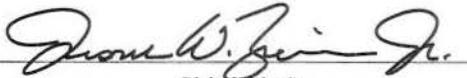
Pursuant to MCR 7.205(E)(2), in lieu of granting the application for leave to appeal, the Court PEREMPTORILY REVERSES the trial court's decision to modify the term of probation, VACATES the May 8, 2015 order directing the entry of the amended order of probation and REMANDS for reinstatement of the original order of probation. The trial court ordered the entry of an amended order of probation under a mistake of law. Defendant pleaded guilty to CSC-IV, which is a misdemeanor punishable by imprisonment for not more than 2 years. Two-year misdemeanors under the Penal Code are felonies for purposes of the Code of Criminal Procedure, and, thus, a trial court may impose a term of probation of up to 5 years for a conviction of a two-year misdemeanor. *People v Smith*, 423 Mich 427; 378 NW2d 384 (1985); *People v Reed*, 146 Mich App 113; 380 NW2d 69 (1985); *People v Hathcox*, 135 Mich App 82, 85-86; 351 NW2d 903 (1984). This order has immediate effect. MCR 7.215(F)(2). The Court does not retain jurisdiction.



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

SEP 14 2015

Date


Chief Clerk