

Order

Michigan Supreme Court
Lansing, Michigan

January 27, 2006

Clifford W. Taylor,
Chief Justice

129358

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 129358
COA: 261738
St. Clair CC: 03-001365-FH

ROY STEPHEN HAMILTON,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the July 5, 2005 order of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court. On the Court's own motion, we REMAND this case to the St. Clair Circuit Court for correction of the judgment of sentence. Defendant was sentenced to a prison term of five years to forty years for his conviction for felonious assault, MCL 750.82, as a fourth habitual offender, MCL 769.12. The maximum possible term of imprisonment for a fourth habitual offender convicted of felonious assault is fifteen years. MCL 769.12(1)(b). On remand, the trial court shall correct the judgment of sentence so that the maximum term of imprisonment for defendant's felonious assault conviction is fifteen years.



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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.

January 27, 2006

Corbin R. Davis

Clerk