

# Order

Michigan Supreme Court  
Lansing, Michigan

May 2, 2016

Robert P. Young, Jr.,  
Chief Justice

151869

Stephen J. Markman  
Brian K. Zahra  
Bridget M. McCormack  
David F. Viviano  
Richard H. Bernstein  
Joan L. Larsen,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 151869  
COA: 325379  
Wayne CC: 88-003055-FC

KIMBERLY ANNETTE SIMMONS,  
Defendant-Appellant.

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On order of the Court, the application for leave to appeal the May 19, 2015 order of the Court of Appeals is considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we VACATE the sentence of the Wayne Circuit Court on the defendant's first-degree murder conviction, and we REMAND this case to the trial court for resentencing on that conviction pursuant to MCL 769.25 and MCL 769.25a. See *Miller v Alabama*, 567 US \_\_\_; 132 S Ct 2455; 183 L Ed 2d 407 (2012); *Montgomery v Louisiana*, 577 US \_\_\_; 136 S Ct 718; 193 L Ed 2d 599 (2016). In all other respects, leave to appeal is DENIED, because the defendant has failed to meet the burden of establishing entitlement to relief under MCR 6.508(D).

We do not retain jurisdiction.



d0418a

I, Larry S. Royster, 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.

May 2, 2016

  
Clerk