

Order

Michigan Supreme Court
Lansing, Michigan

October 4, 2012

Robert P. Young, Jr.,
Chief Justice

145091

Michael F. Cavanagh
Marilyn Kelly
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 145091
COA: 293629
Kalamazoo CC: 2008-001640-FH

JEFFREY PAUL GIOGLIO,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the March 20, 2012 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we VACATE the maximum sentences imposed by the Kalamazoo Circuit Court, and we REMAND this case to the trial court for resentencing. The court failed to recognize that it had discretion to set the maximum sentences under MCL 769.10. See *People v Bonilla-Machado*, 489 Mich 412 (2011); *People v Turski*, 436 Mich 878 (1990). In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining question presented should be reviewed by this Court.



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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.

October 4, 2012

Corbin R. Davis

Clerk