

Court of Appeals, State of Michigan

ORDER

People of MI v Shane Joseph Carline

Docket No. 310596

LC No. 2011-002291-FH

Christopher M. Murray
Presiding Judge

Kurtis T. Wilder

Cynthia Diane Stephens
Judges

In lieu of granting the delayed application for leave to appeal, the Court orders that defendant's sentence is VACATED in its entirety and this case is REMANDED to the trial court for resentencing. The trial court's imposition of simultaneous sentences of incarceration and probation violated the constitutional prohibition against double jeopardy. US Const, Am V; Const 1963, art 1, § 15.

On remand, the trial court shall resentence defendant and address the issue of the amount of restitution, if any, owed by defendant. The amended judgment of sentence shall reflect that defendant was convicted of attempted assault with a dangerous weapon, MCL 750.82 & MCL 750.92.

We do not retain jurisdiction.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

APR 22 2013

Date


Chief Clerk