

Order

Michigan Supreme Court
Lansing, Michigan

November 29, 2005

Clifford W. Taylor,
Chief Justice

128892

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: 128892
COA: 262024
Antrim CC: 01-003492-FH

JOHNNY K. SPARKS,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the May 27, 2005 order of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we VACATE the sentence of the Antrim Circuit Court and REMAND this case to that court for resentencing, within 56 days of the date of this order, consistent with *People v Hendrick*, 472 Mich 555 (2005), and *People v Babcock*, 469 Mich 247 (2003). In all other respects, leave to appeal is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court.

We do not retain jurisdiction.



d1121

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.

November 29, 2005

Corbin R. Davis

Clerk