

Order

Michigan Supreme Court
Lansing, Michigan

October 28, 2015

Robert P. Young, Jr.,
Chief Justice

151561

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: 151561
COA: 325758
Berrien CC: 2014-001675-FH

KEITH ALLEN SHIFLETT,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the March 18, 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 REMAND this case to the Berrien Circuit Court to determine whether the court would have imposed a materially different sentence under the sentencing procedure described in *People v Lockridge*, 498 Mich 358 (2015). On remand, the trial court shall follow the procedure described in Part VI of our opinion. If the trial court determines that it would have imposed the same sentence absent the unconstitutional constraint on its discretion, it may reaffirm the original sentence. If, however, the trial court determines that it would not have imposed the same sentence absent the unconstitutional constraint on its discretion, it shall resentence the defendant. We further ORDER that, on remand the trial court shall delete from the presentence report a reference to the defendant being a “meth dealer” because in response to the defendant’s objection to that reference, the trial court stated that it was not taking that reference into account in sentencing the defendant. MCR 6.425(E)(2)(a). The trial court shall also clarify whether it took a reference to the defendant being a “ringleader” into account when sentencing. If it did not, that reference in the presentence report shall also be deleted.

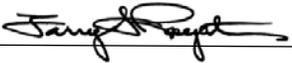
We do not retain jurisdiction.



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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.

October 28, 2015


Clerk