

Order

Michigan Supreme Court
Lansing, Michigan

October 7, 2022

Bridget M. McCormack,
Chief Justice

164465

Brian K. Zahra
David F. Viviano
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh
Elizabeth M. Welch,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 164465
COA: 356624
Ottawa CC: 20-043663-FH

ARMOND PINSON,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the April 7, 2022 judgment 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 judgment of the Court of Appeals and REMAND this case to that court for reconsideration. The Court of Appeals relied in part on its conclusion that “jailtime is not an intermediate sanction pursuant to MCL 769.31(b).” But the prohibition of jailtime as an intermediate sanction was implemented by 2020 PA 395, which did not become effective until March 24, 2021. At the time of the defendant’s offenses around November 2017 and his sentencing on November 30, 2020, MCL 769.31(b), as amended by 2004 PA 220, did not explicitly exclude “imprisonment in a county jail” from its definition of an intermediate sanction. In fact, former MCL 769.31(b)(viii) explicitly listed jail as an example of an intermediate sanction. Accordingly, the Court of Appeals inappropriately applied the current version of MCL 769.31(b). On remand, the Court of Appeals shall reconsider its decision in light of this correction.



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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 7, 2022

Clerk