

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

WOODROW REGINTIN JENKINS,

Defendant-Appellant.

UNPUBLISHED

August 19, 1997

No. 193297

Livingston Circuit Court

LC No. 91-6435 FH

Before: Cavanagh, P.J., and Holbrook, Jr., and Jansen, JJ.

MEMORANDUM.

This is the third time this matter is before us. In 1991, defendant pleaded guilty to three counts of delivery of less than fifty grams of heroin, MCL 333.7401(2)(a)(iv); MSA 14.15(7401)(2)(a)(iv). After a second resentencing ordered by this Court, the trial court sentenced defendant to serve 370 days in prison on Count I with credit for 682 days served. He appeals as of right and we vacate the amended judgment of sentence.

Defendant argues, and the prosecutor concedes, that the trial court lacked jurisdiction to resentence him on February 22, 1996, because he already had been released from prison and discharged from parole. See *People v Gregorczyk*, 178 Mich App 1; 443 NW2d 816 (1989). Accordingly, because the sentence imposed by the trial court following this Court's initial remand was valid, and defendant completed that sentence, we vacate the amended judgment of sentence.

The amended judgment of sentence entered March 1, 1996, is vacated.

/s/ Mark J. Cavanagh

/s/ Donald E. Holbrook, Jr.

/s/ Kathleen Jansen