

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellant,

v

MARCUS A. GOODEN,

Defendant-Appellee.

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UNPUBLISHED

March 31, 1998

No. 202591

Oakland Circuit Court

LC No. 96-145239 FH

Before: Bandstra, P.J., and MacKenzie and N.O. Holowka\*, JJ.

MEMORANDUM.

Defendant pleaded guilty to conspiracy to possess with intent to deliver 225 grams or more, but less than 650 grams of cocaine, MCL 750.157a; MSA 28.354(1), MCL 333.7401(1) and (2)(a)(ii); MSA 14.15(7401)(1) and (2)(a)(ii), and nolo contendere to assault with intent to do great bodily harm less than murder, MCL 750.84; MSA 28.279. The trial court sentenced defendant to concurrent terms of imprisonment of six to thirty years and two to ten years, respectively. The prosecutor appeals as of right. We vacate defendant's sentences and remand for resentencing. This case is being decided without oral argument pursuant to MCR 7.214(E).

The trial court erroneously imposed concurrent sentences. Defendant's sentences are required to be served consecutively. MCL 333.7401(3); MSA 14.15(7401)(3); *People v Denio*, 454 Mich 691, 703-705; 564 NW2d 13 (1997); *People v Doyle*, 451 Mich 93, 104; 545 NW2d 627 (1996); *People v Morris*, 450 Mich 316; 537 NW2d 842 (1995). Accordingly, we remand for a formal resentencing. *People v Mapp*, 224 Mich App 431; 569 NW2d 523 (1997); *People v Thomas*, 223 Mich App 9; 566 NW2d 13 (1997).

The prosecutor's remaining sentencing issues are moot in light of our decision to remand for resentencing. *People v Partridge*, 211 Mich App 239, 242; 535 NW2d 251 (1995).

We remand for resentencing. We do not retain jurisdiction.

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\* Circuit judge, sitting on the Court of Appeals by assignment.

/s/ Richard A. Bandstra  
/s/ Barbara B. MacKenzie  
/s/ Nick O. Holowka