

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

GARY R. SIMS,

Defendant-Appellant.

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UNPUBLISHED

June 12, 1998

No. 200348

Recorder's Court

LC No. 95-013023

Before: Wahls, P.J., and Jansen and Gage, JJ.

MEMORANDUM.

Defendant pleaded guilty to second-degree home invasion, MCL 750.110a(3); MSA 28.305(a)(3), and received a sentence of 2-1/2 to 15 years' imprisonment. Defendant appeals by leave granted. We vacate defendant's sentence and remand for resentencing. This case is being decided without oral argument pursuant to MCR 7.214(E).

Subsequent to the imposition of sentence, the Department of Corrections notified the trial court that the sentence imposed in this case was required to be served consecutively to a sentence defendant was then serving as a result of his parole status. MCL 768.7a(2); MSA 28.1030(1)(2). The trial court then sua sponte amended the judgment of sentence in this case to reflect that defendant's 2-1/2- to 15-year sentence would be served consecutively to the prior sentence. The trial court lacked the authority to amend the judgment of sentence. Instead, the court should have formally resentenced defendant. *People v Mapp*, 224 Mich App 431; 569 NW2d 523 (1997); *People v Thomas*, 223 Mich App 9; 566 NW2d 13 (1997). Accordingly, we vacate defendant's sentence and remand for resentencing.

In view of our disposition of this case, we need not address defendant's remaining issue on appeal.

Remanded for proceedings consistent with this opinion. We do not retain jurisdiction

/s/ Myron H. Wahls

/s/ Kathleen Jansen

/s/ Hilda R. Gage

