

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ARTHUR LAWRENCE PHILLIPS, JR.,

Defendant-Appellant.

UNPUBLISHED

January 4, 2000

No. 211350

Wayne Circuit Court

LC No. 93-003553

Before: Saad, P.J., and McDonald and Gage, JJ.

MEMORANDUM.

Defendant appeals by right his sentence for armed robbery, MCL 750.529; MSA 28.797, and felony firearm, MCL 750.227b; MSA 28.424(2), entered after remand from this Court. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

In a prior published opinion in this case, this Court found that defendant was erroneously given sentences concurrent to his sentence on unrelated federal charges. *People v Phillips*, 217 Mich App 489; 552 NW2d 487 (1996). The Court remanded the matter for entry of an order providing for consecutive sentences, and a recalculation of sentence credit. On remand, the trial court sentenced defendant to 10 to 25 years' imprisonment on the armed robbery charge, and two years on the felony firearm charge, consecutive to defendant's federal sentence. Defendant was given credit for 773 days of time served.

On appeal, defendant argues that the trial court erred in failing to conduct a full resentencing. We disagree.

The power of the lower court on remand is to take such action as law and justice may require so long as it is not inconsistent with the judgment of the appellate court. *People v Fisher*, 449 Mich 441, 447; 537 NW2d 577 (1995). This Court's opinion explicitly directed the trial court to enter an order providing that defendant's sentences were to run consecutively to his federal sentence, and to compute the appropriate credit for time served. The trial court strictly complied with the terms of this Court's directive. A hearing was held after remand, and defendant

addressed the court. No request was made for further proceedings. Defendant has failed to show any error on the part of the trial court.

Affirmed.

/s/ Henry William Saad

/s/ Gary R. McDonald

/s/ Hilda R. Gage