

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

CHARLES TILLMAN,

Defendant-Appellant.

UNPUBLISHED

April 16, 2002

No. 228724

Wayne Circuit Court

LC No. 99-003166

Before: Bandstra, P.J., and Murphy and Murray, JJ.

MURPHY, J. (*concurring*).

In stating that the defendant's sentence "has to be consecutive," the court expressed a mistaken view that consecutive sentencing was mandatory. Under these circumstances, I am of the opinion that resentencing is the appropriate method to address this matter. *People v Green*, 205 Mich App 342, 347; 517 NW2d 782 (1994). I would remand for resentencing.

/s/ William B. Murphy