

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

THOMAS GRAY,

Defendant-Appellant.

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UNPUBLISHED  
September 8, 1998

No. 202625  
Oakland Circuit Court  
LC No. 96-148679 FH

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

MEMORANDUM.

Following defendant's plea-based conviction for uttering and publishing, MCL 750.249; MSA 28.446, defendant was sentenced to an enhanced term of imprisonment of five to twenty years, reflecting his status as a fourth felony offender, MCL 769.12; MSA 28.1084. We vacate defendant's sentence and remand for resentencing. This case is being decided without oral argument pursuant to MCR 7.214(E).

The trial court failed to provide either defendant or defense counsel with an opportunity to advise the court of any circumstances they believed it should consider when imposing sentence. MCR 6.425(D)(2)(c). Accordingly, defendant is entitled to resentencing. *People v Sean Jones (On Rehearing)*, 201 Mich App 449, 453; 506 NW2d 542 (1993).

Because our resolution of defendant's first issue is dispositive, we decline to address defendant's remaining issues.

Remanded for resentencing. We do not retain jurisdiction.

/s/ Donald E. Holbrook, Jr.  
/s/ Myron H. Wahls  
/s/ Mark J. Cavanagh