

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellant,

v

FABIAN HILL,

Defendant-Appellee.

UNPUBLISHED
November 3, 2000

No. 225266
Wayne Circuit Court
LC No. 98-011572

Before: Griffin, P.J., and Cavanagh and Gage, JJ.

MEMORANDUM.

Defendant was convicted by a jury of felonious assault, MCL 750.82; MSA 28.277, and possession of a firearm during the commission of a felony, MCL 750.227b; MSA 28.424(2). She was sentenced to serve three years probation on the felonious assault conviction and, over the objection of the prosecution, completion of six months' SAI boot camp followed by tethering for 1½years or placement in a halfway house on the felony-firearm conviction. Plaintiff appeals by leave granted from the judgment of sentence, contending that a two-year prison sentence was mandatory for the felony-firearm conviction. This matter is being decided without oral argument pursuant to MCR 7.214(E).

Given the plain language of the statute, MCL 750.227b(1), (3); MSA 28.424(2)(1), (3), we agree with appellant that the trial court was without discretion to impose any sentence for defendant's felony-firearm conviction other than a mandatory two-year prison term. See *People v Leach*, 114 Mich App 732, 738; 319 NW2d 652 (1982).

Defendant's felony-firearm sentence is vacated and this matter is remanded to the trial court for resentencing in accordance with MCL 750.227b; MSA 28.424(2). We do not retain jurisdiction.

/s/ Richard Allen Griffin
/s/ Mark J. Cavanagh
/s/ Hilda R. Gage