

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellant,

v

CARIL JAMAAL HARRIS,

Defendant-Appellee.

UNPUBLISHED

November 16, 2006

No. 265574

Ingham Circuit Court

LC No. 05-000078-FH

Before: Whitbeck, C.J., and Saad and Schuette, JJ.

MEMORANDUM.

Plaintiff appeals by leave granted the July 6, 2005 guilty plea conviction of defendant for possession with intent to deliver less than 25 grams of cocaine, MCL 333.7403(2)(a)(v). The trial court sentenced defendant as a second-offense habitual offender, MCL 769.10, to a prison term of 13 months to 36 months. We reverse and remand. This case is being decided without oral argument under MCR 7.214(E).

Plaintiff argues that trial court erred when it imposed a maximum sentence of less than four years on defendant. We agree. Accordingly, we remanded for the ministerial task of correcting defendant's sentence to adhere to the statutory maximum. *People v Maxson*, 163 Mich App 467, 471; 415 NW2d 247 (1987); *People v Wilson*, 111 Mich App 770, 773; 315 NW2d 423 (1981). We do not retain jurisdiction.

/s/ William C. Whitbeck

/s/ Henry William Saad

/s/ Bill Schuette