

Order

Michigan Supreme Court
Lansing, Michigan

October 31, 2023

Elizabeth T. Clement,
Chief Justice

159482 & (59)

Brian K. Zahra
David F. Viviano
Richard H. Bernstein
Megan K. Cavanagh
Elizabeth M. Welch
Kyra H. Bolden,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 159482
COA: 338435
Genesee CC: 15-036716-FC

DWAYNE SYKES, JR.,
Defendant-Appellant.

By order of March 8, 2022, the application for leave to appeal the February 28, 2019 judgment of the Court of Appeals was held in abeyance pending the decision in *People v Bonds* (Docket No. 163110). The case having been decided on April 21, 2023, 511 Mich 910 (2023), the application is again considered. The motion to accept pro per motion to add issue and file supplemental standard-4 brief is GRANTED. Pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals for consideration of the defendant's argument that his sentence was disproportionate under the standard set forth in *People v Milbourn*, 435 Mich 630, 636 (1990). See *People v Posey*, 512 Mich ___ (July 31, 2023) (Docket No. 162373); *People v Steanhouse*, 500 Mich 453, 460-461 (2017). In all other respects, leave to appeal is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court.

We do not retain jurisdiction.



s1023

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 31, 2023

Clerk