Order

Michigan Supreme Court
Lansing, Michigan

April 24, 2026

169197

Megan K. Cavanagh,
Chief Justice

Brian K. Zahra
Richard H. Bernstein
Elizabeth M. Welch
Kyra H. Bolden
Kimberly A. Thomas
Noah P. Hood,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 169197
COA: 375478
Wayne CC: 12-009631-FC

ROBERT ANTHONY SMITH,
Defendant-Appellant.

_____/

On order of the Court, the application for leave to appeal the August 26, 2025 order of the Court of Appeals is considered and, pursuant to MCR 7.305(I)(1), in lieu of granting leave to appeal, we REMAND this case to the Wayne Circuit Court to conduct, within three months after the date of this order, a *Lockridge* hearing consistent with our prior order, which required that court

> to determine whether the court would have imposed a materially different sentence under the sentencing procedure described in *People v Lockridge,* 498 Mich 358 (2015). On remand, the trial court shall follow the procedure described in Part VI of our opinion. If the trial court determines that it would have imposed the same sentence absent the unconstitutional constraint on its discretion, it may reaffirm the original sentence. If, however, the trial court determines that it would not have imposed the same sentence absent the unconstitutional constraint on its discretion, it shall resentence the defendant. [*People v Smith*, 499 Mich 898, 898 (2016).]

In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court.

We do not retain jurisdiction.

s0421

I, Elizabeth Kingston-Miller, 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.

April 24, 2026

Clerk