Court of Appeals, State of Michigan

ORDER

People of MI v Paul John Pozniak

Docket No. 288756

LC No. 2008-220788-FH

Elizabeth L. Gleicher
Presiding Judge

E. Thomas Fitzgerald

Deborah A. Servitto
Judges

In lieu of granting the delayed application for leave to appeal, the Court orders pursuant to MCR 7.205(D)(2) that this matter is REMANDED to the trial court to allow defendant the opportunity to move to withdraw his guilty plea pursuant to MCR 6.310. If he wishes to file such motion, defendant must do so in the trial court within 28 days of the Clerk's certification of this order. The delayed application for leave to appeal is otherwise DENIED for lack of merit in the grounds presented.

In light of the remand to permit defendant to withdraw his guilty plea, the motion to remand for a *Ginther* hearing is DENIED.

The Court retains no further jurisdiction.

A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN 16 2009
Date

Sandra Schultz Mengel
Chief Clerk