Court of Appeals, State of Michigan

ORDER

People of MI v Roland Leslie Baldwin

Docket No. 290743

LC No. 2008-002859-FH

Michael J. Talbot
Presiding Judge

Brian K. Zahra

Cynthia Diane Stephens
Judges

In lieu of granting leave to appeal, pursuant to MCR 7.205(D)(2), the Court orders that the December 22, 2008, judgment of sentence of the Calhoun County Circuit Court is VACATED and the matter is REMANDED to the trial court for further proceedings in accordance with this order. Although defendant pleaded no contest to attempted felonious assault in exchange for a sentence of one year' probation, the trial court imposed a sentence of eighteen months' probation. If the trial court intended to not follow the sentencing agreement, it should provide defendant the opportunity to withdraw his plea; otherwise the court should resentence defendant in accordance with the agreement. *People v Killebrew,* 416 Mich 189, 209-210; 330 NW2d 834 (1982).

The Court retains no further jurisdiction.

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

APR 28 2009
Date

Sandra Schultz Mengel
Chief Clerk