

Court of Appeals, State of Michigan

ORDER

People of MI v Dave Anthony Richards

Docket No. 306209

LC No. 07-020663-FC

Karen M. Fort Hood
Presiding Judge

Kurtis T. Wilder

Kirsten Frank Kelly
Judges

The Court orders that the motion for immediate consideration is GRANTED.

In lieu of granting leave to appeal, pursuant to MCR 7.205(D)(2), the Court further orders that the September 21, 2010, order of the Wayne County Circuit Court, which denied defendant's motion for judgment relief, is VACATED, and the matter is REMANDED for further proceedings consistent with this order. The trial court's opinion in support of its order did not address and resolve defendant's allegation that trial counsel failed to advise him of the deportation consequences before defendant entered a guilty plea and defendant's argument that trial counsel's failure to do so constituted ineffective assistance of trial counsel under *Strickland v Washington*, 466 US 668, 688, 694; 104 S Ct 2052, 2064-2065, 2068; 80 L Ed 2d 674, 693-694, 698 (1984). See *Padilla v Kentucky*, 599 US __; 130 S Ct 1473; 176 L Ed 2d 284 (2010), cited in defendant's motion. The trial court is also advised to re-examine its good-cause analysis with respect to MCR 6.508(D)(3)(a). Defendant's prior appointed appellate counsel was allowed to withdraw before pursuing an appeal or post-conviction proceedings on defendant's behalf.

This order is to have immediate effect, MCR 7.215(F)(2). The Court retains no further jurisdiction.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

NOV 15 2011

Date


Chief Clerk