

Court of Appeals, State of Michigan

ORDER

People of MI v Robert Johnson

Docket No. 309541

LC No. 11-010670-FH

Stephen L. Borrello
Presiding Judge

Donald S. Owens

Michael J. Kelly
Judges

The Court orders that, in lieu of granting the delayed application for leave to appeal, this case is REMANDED to the trial court for the purpose of affording defendant the opportunity to withdraw his plea. The trial court imposed a minimum sentence that exceeded the agreed-upon minimum guidelines range, but did not first afford defendant the opportunity either to withdraw his plea or to proceed with sentencing. *People v Cobbs*, 443 Mich 276, 283; 505 NW2d 208 (1993).

We do not retain jurisdiction.



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

DEC 28 2012

Date

A handwritten signature in black ink, appearing to read 'Larry S. Royster', is written over a horizontal line.

Chief Clerk