

# Court of Appeals, State of Michigan

## ORDER

People of MI v Darrin Wallace Dewald

Docket No. 310693

LC No. 07-003276-FC

Michael J. Talbot  
Presiding Judge

E. Thomas Fitzgerald

William C. Whitbeck  
Judges

Pursuant to MCR 7.205(D)(2), in lieu of granting the delayed application for leave to appeal and motion to remand, the Court orders that the December 11, 2011 order of the circuit court is VACATED. This matter is REMANDED to the circuit court, which is directed to hold a hearing to first determine whether the crime was committed prior to the August 28, 2006, effective date of 2006 PA 171, which imposed the lifetime monitoring requirement. If the crime was committed prior to the effective date of 2006 PA 171, the lifetime monitoring requirement cannot be imposed on defendant. *People v Perkins*, 280 Mich App 244, 251; 760 NW2d 669 (2008). If the circuit court determines the crime was committed subsequent to August 28, 2006, and the requirement is properly applied to defendant, the court is directed to determine if defendant was made aware of that provision prior to tendering his plea. If the court determines that defendant was not made aware of the lifetime monitoring provision, it should allow defendant the opportunity to withdraw his plea. *People v Cole*, 491 Mich 325; 817 NW2d 497 (2012). The trial court shall appoint counsel if requested by defendant. MCR 6.505.

We do not retain jurisdiction.



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

NOV 8 2012

Date

  
Chief Clerk