

Court of Appeals, State of Michigan

ORDER

People of MI v Stephen Paul Vaughn

Docket No. 310860

LC No. 11-004759-FH

William C. Whitbeck
Presiding Judge

Peter D. O'Connell

Patrick M. Meter
Judges

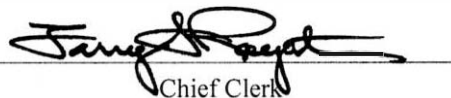
The Court orders that the delayed application for leave to appeal is DENIED for lack of merit in the grounds presented. Even if the record contained evidence of a sentence agreement under *People v Cobbs*, 443 Mich 276; 505 NW2d 208 (1993), defendant is not entitled to specific performance; the only remedy is the opportunity to withdraw the plea. *Id.* at 283; *People v Brown*, 492 Mich 684, 705; ___ NW2d ___ (2010) (YOUNG, C.J., concurring in part and dissenting in part) (“Under MCR 6.310(B)(2)(b), a defendant is *not* entitled to specific performance of a *Cobbs* agreement.”). Here, defendant concedes that the trial court twice offered him the opportunity to withdraw his plea, which he twice declined, and he explicitly indicates in his application for leave to appeal that he does not want to withdraw the plea. Therefore, even if this Court concluded that a sentence agreement existed, defendant has already received and declined the only relief that this Court could award.



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

NOV 29 2012

Date


Chief Clerk