

Court of Appeals, State of Michigan

ORDER

People of MI v Albert Lee Smith Jr

Docket No. 314167

LC No. 09-026866-01-FH

Kurtis T. Wilder
Presiding Judge

Cynthia Diane Stephens

Michael J. Riordan
Judges

In lieu of granting leave to appeal, pursuant to MCR 7.205(D)(2), the Court orders that this matter is REMANDED to the Wayne County Circuit Court because defendant was not advised of the maximum possible sentence for the offense before the trial court accepted his guilty plea at the probation violation hearing. On remand, defendant shall be given the option of allowing his plea and sentence to stand or withdrawing his plea. If defendant chooses to withdraw his plea, the trial court must vacate his conviction and sentence and the matter shall proceed to a probation violation hearing. *People v Brown*, 492 Mich 684, 699; 822 NW2d 208 (2012).

Pursuant to MCR 7.215(F)(2), this order shall take immediate effect. The Court retains no further jurisdiction.

Stephens, J., would deny the delayed application.



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

MAR 08 2013

Date

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

Chief Clerk