

Court of Appeals, State of Michigan

ORDER

People of MI v Victor Hugo Arellano-Bermudez

Docket No. 337342

LC No. 16-000870-02-FH

Kirsten Frank Kelly
Presiding Judge

Christopher M. Murray

Cynthia Diane Stephens
Judges

Pursuant to MCR 7.205(E)(2), in lieu of granting the delayed application, the Court orders that the Wayne Circuit Court's September 9, 2016 order is VACATED and the matter is REMANDED to the circuit court. The court failed to provide any explanation for its decision to grant defendant's motion to withdraw. This Court reviews a ruling on a motion to withdraw for an abuse of discretion, *People v Brown*, 492 Mich 684, 688; 822 NW2d 208 (2015), but in the absence of an explanation, this Court is unable to appropriately review the ruling. On remand, the court shall reconsider its ruling, and if necessary, conduct an evidentiary hearing and make factual findings and legal determinations on defendant's claim that he was deprived of the effective assistance of counsel in regard to the plea. See *People v Douglas*, 496 Mich 557, 591-592; 852 NW2d 587 (2014).

This order is to have immediate effect. MCR 7.215(F)(2).

This Court retains no further jurisdiction.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

JUN 16 2017

Date

Chief Clerk