

Court of Appeals, State of Michigan

ORDER

People of MI v Theresa Lynne Petto

Docket No. 339997

LC No. 2015-000906-FC

Amy Ronayne Krause
Presiding Judge

Patrick M. Meter

Brock A. Swartzle
Judges

The Court orders that the delayed application for leave to appeal is DENIED for lack of merit in the grounds presented.

Ronayne Krause, J., would grant the delayed application for leave to appeal. The following colloquy took place between the court and defendant on the morning of trial, the first time she attempted to plead guilty but mentally ill. It is found at pages 29-30 of the trial transcript:

THE COURT: Ms. Petta [sic], the court has been advised of your intention to enter a guilty plea, but mentally ill. That means that you would be admitting to the violation as set for in the complaint, but that you would indicate that as part of that plea that you were mentally ill, and therefore need of treatment. You understand that?

THE DEFENDANT: So, I can't get treatment otherwise?

THE COURT: In the process of these proceedings, no. That would be the only--only source of that.

THE DEFENDANT: I understand.

THE COURT: Okay. You understand that the penalty with regard, it's not really a penalty, but basically the course of conduct that the system has for responding to that plea would be that you would be in custody for the rest of your life, that you would in fact receive mental health treatment as part of that process to deal with the identified issues that you have. You understand that?

THE DEFENDANT: Yes, Sir.

While certainly not intentional, it does seem that defendant could have believed the only way for her to receive mental health treatment was to plead guilty but mentally ill. This is a unique situation which I believe warrants plenary review of this case. Defendant could have been found guilty but mentally ill by verdict or guilty as charged by verdict and still have received mental health treatment.



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

NOV 27 2017

Date


Chief Clerk