

# Court of Appeals, State of Michigan

## ORDER

People of MI v Kyle Steven Boldrey

Docket No. 342305

LC No. 16-004007-FC

Michael J. Kelly  
Presiding Judge

Stephen L. Borrello

Amy Ronayne Krause  
Judges

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The Court orders that the motion to withdraw is GRANTED, limited to the withdrawal of appointed counsel for defendant-appellant. The matter therefore is REMANDED to the trial court for the appointment of substitute appellate counsel to represent defendant-appellant on appeal. MCR 6.425(G)(1); MCR 7.211(C)(5)(d). The trial court shall appoint counsel within 14 days of the date of this order. Newly appointed counsel for defendant-appellant shall have 56 days from the order of appointment within which to file a brief in support of the delayed application for leave to appeal addressing:

Whether the requirement in MCR 6.302(B)(2) concerning advisements on sentences applies to defendant's nolo contendere plea, and if so, whether there were any errors in this case arising from the operation of MCR 6.302(B)(2).

Ronayne Krause, J. I would grant peremptory reversal in this case on the ground that defendant was not told the maximum possible penalty at the time of the plea, which is directly contrary to the Michigan Court Rules. I see no reason for defendant to have to wait for a formal opinion from this court on something so directly contrary to the law.



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

JUN - 8 2018

Date

*Jerome W. Zimmer Jr.*  
Chief Clerk